

(22,799.)

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1911.

No. 723.

EFFIE HOKE AND BASILE ECONOMIDES, PLAINTIFFS
IN ERROR,

vs.

THE UNITED STATES.

IN ERROR TO THE DISTRICT COURT OF THE UNITED STATES FOR
THE EASTERN DISTRICT OF TEXAS.

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CAPTION.

BE IT REMEMBERED, That at a stated term of the District Court of the United States in the Fifth Circuit thereof, and in and for the Eastern District of Texas, at Beaumont, begun and holden at Beaumont, Texas, on the 3rd day of April, A. D. 1911, and which term adjourned on the 15th day of April, A. D. 1911, the Honorable Gordon Russell, United States District Judge for the Eastern District of Texas, presiding, the following proceedings were had, and the following cause came on for trial, and was tried, to-wit:

THE UNITED STATES,

versus

Cr. No. 167.

EFFIE HOKE AND BASILE ECONOMIDES.

INDICTMENT.

Filed March 13, 1911.

United States of America,)

Eastern District of Texas.)

**In the District Court of the United States in and for the
Eastern District of Texas aforesaid, at the
February Term thereof, A. D. 1911.**

The Grand Jurors of the United States impanelled, sworn and charged at the term aforesaid of the court aforesaid, on their oath present that one, Effie Hoke, whose name is to the Grand Jurors otherwise unknown, did on the fourteenth day of November, A. D. 1910, in the City of New Orleans and State of Louisiana, unlawfully, feloniously and knowingly persuade, induce and entice one Annette Baden alias Annette Hays, a woman, to go from New Orleans, a city in the State of Louisiana, to Beaumont, a city in the State of Texas, in interstate commerce, for the purpose of prostitution, and the

said Effie Hoke did then, there and thereby knowingly cause the said Annette Baden alias Annette Hays, the woman aforesaid, to go and to be carried and transported as a passenger upon the line and route of a common carrier engaged in Interstate Commerce between the city of New Orleans in the State of Louisiana and the city of Beaumont, in the State of Texas, to-wit, over the line of the Texas and New Orleans Railroad Company, which line of railroad is a part of the Southern Pacific Railway System, and is commonly known as the "Sunset Route," any other name or a more particular description of said common carrier is to the Grand Jurors unknown and cannot here be given, with the intent and purpose of her, the said Effie Hoke that the said Annette Baden alias Annette Hays should engage in the practice of prostitution in the said city of Beaumont; that the said Annette Baden alias Annette Hays, a woman as aforesaid, so persuaded, induced and enticed as aforesaid by the said Effie Hoke, did then and thereto and was transported in interstate commerce over the line and route of said common carrier as hereinbefore set out from the said city of New Orleans in the State of Louisiana to and into the city of Beaumont in the State of Texas, the said city of Beaumont being within the Eastern District and within the jurisdiction of this court and the said Annette Baden alias Annette Hays so persuaded, induced and enticed as aforesaid to go in interstate commerce as aforesaid from the said city of New Orleans in the State of Louisiana to the city of Beaumont, in the State of Texas, for the purpose of prostitution, did then and there on her arrival in the said city of Beaumont, Texas, engage in the practice of prostitution.

And the Grand Jurors aforesaid do say that one Basile Economides in the said city of New Orleans and State of Louisiana on the fourteenth day of November, A. D. 1910, did unlawfully, feloniously and knowingly

aid and assist the said Effie Hoke to persuade, induce and entice the said Annette Baden alias Annette Hays, a woman, to go in interstate commerce from New Orleans in the State of Louisiana to Beaumont in the State of Texas for the purpose of prostitution, as is hereinbefore set out, with the intent then and there and purpose then and there on the part of her, the said Effie Hoke and on the part of him the said Basile Economides and with the intent and purpose then and there of each of them that the said Annette Baden alias Annette Hays should engage in the practice of prostitution in the said city of Beaumont, Texas, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States.

2nd Count: And the Grand Jurors aforesaid, on their oath aforesaid, do further present, that the said Effie Hoke, whose name is to the Grand Jurors otherwise unknown, on the fourteenth day of November, in the year 1910, in the city of New Orleans and State of Louisiana did unlawfully, feloniously and knowingly persuade, induce and entice one, Florence Baden alias Florence Hays, a girl, to go from New Orleans, a city in the State of Louisiana, to Beaumont a city in the State of Texas, in interstate commerce for the purpose of prostitution, and the said Effie Hoke did then, there and thereby knowingly cause the said Florence Baden alias Florence Hays, the girl as aforesaid, to go and to be carried and transported as a passenger upon the line and route of a common carrier engaged in Interstate Commerce between the city of New Orleans in the State of Louisiana and the city of Beaumont in the State of Texas, to-wit: over the line of the Texas and New Orleans Railroad Company which line of railroad is a part of the Southern Pacific Railway System, and is commonly known as the "Sunset Route," any other name or a more particular description of said common carrier is

to the Grand Jurors unknown and cannot here be given, with the intent and purpose of her, the said Effie Hoke that the said Florence Baden alias Florence Hays, should engage in the practice of prostitution in the said city of Beaumont; that the said Florence Baden alias Florence Hays, a girl as aforesaid so persuaded, induced and enticed as aforesaid by the said Effie Hoke, did then and there go and was transported in interstate commerce over the line and route of said common carrier as hereinbefore set out from the said city of New Orleans, in the State of Louisiana to and into the city of Beaumont in the State of Texas, the said city of Beaumont being within the Eastern District and within the jurisdiction of this court and the said Florence Baden alias Florence Hays so persuaded, induced and enticed as aforesaid to go in interstate commerce as aforesaid from the city of New Orleans in the State of Louisiana to the city of Beaumont, in the State of Texas, for the purpose of prostitution, did then and there on her arrival in the said city of Beaumont, Texas, engage in the practice of prostitution.

And the Grand Jurors aforesaid do say that one Basile Economides in the said city of New Orleans and State of Louisiana on the fourteenth day of November, A. D. 1910, did unlawfully, feloniously and knowingly aid and assist the said Effie Hoke to persuade, induce and entice the said Florence Baden alias Florence Hays, a girl, to go in interstate commerce from New Orleans in the State of Louisiana to Beaumont in the State of Texas for the purpose of prostitution, as is hereinbefore set out, with the intent then and there and purpose then and there on the part of her the said Effie Hoke and on the part of him the said Basile Economides and with the intent and purpose then there of each of them that the said Florence Baden alias Florence Hays should engage in the practice of prostitution in the said city of Beaumont, Texas, contrary to the form of the statute in

such case made and provided, and against the peace and dignity of the United States.

3rd Count: And the Grand Jurors aforesaid, on their oath aforesaid, do further present, that the said Effie Hoke, whose name is to the Grand Jurors otherwise unknown, on the fourteenth day of November, in the year 1910, in the City of New Orleans and State of Louisiana, did unlawfully, feloniously and knowingly persuade, induce and entice one, Gertrude Baden alias Gertrude Hays, a girl then and there under the age of eighteen years, to go from New Orleans, a city in the State of Louisiana to Beaumont a city in the State of Texas, in interstate commerce for the purpose of prostitution, and the said Effie Hoke did then, there and thereby knowingly cause the said Gertrude Baden alias Gertrude Hays, the girl as aforesaid, to go and to be carried and transported as a passenger upon the line and route of a common carrier engaged in Interstate Commerce between the city of New Orleans in the State of Louisiana and the city of Beaumont in the State of Texas, to-wit, over the line of the Texas and New Orleans Railroad Company which line of railroad is a part of the Southern Pacific Railway System, and is commonly known as the "Sunset Route," any other name or a more particular description of said common carrier is to the Grand Jurors unknown and cannot here be given, with the intent and purpose of her, the said Effie Hoke that the said Gertrude Baden alias Gertrude Hays, should engage in the practice of prostitution in the said city of Beaumont; that the said Gertrude Baden alias Gertrude Hays, a girl as aforesaid so persuaded, induced and enticed as aforesaid by the said Effie Hoke, did then and there go and was transported in interstate commerce over the line and route of said common carrier as hereinbefore set out from the said city of New Orleans in the State of Louisiana to and into the City of Beaumont in the State of Texas, the said city of Beaumont being

within the Eastern District and within the jurisdiction of this court and the said Gertrude Baden alias Gertrude Hays so persuaded, induced and enticed as aforesaid to go in interstate commerce as aforesaid from the said city of New Orleans in the State of Louisiana to the city of Beaumont in the State of Texas for the purpose of prostitution, did then and there on her arrival in the said city of Beaumont, Texas, engage in the practice of prostitution.

And the Grand Jurors aforesaid do say that one Basile Economides in the said city of New Orleans and State of Louisiana on the fourteenth day of November, A. D. 1910, did unlawfully, feloniously and knowingly aid and assist the said Effie Hoke to persuade, induce and entice the said Gertrude Baden alias Gertrude Hays, a girl, to go in interstate commerce from New Orleans in the State of Louisiana to Beaumont in the State of Texas for the purpose of prostitution, as is hereinbefore set out, with the intent then and there and purpose then and there on the part of her the said Effie Hoke and on the part of him the said Basile Economides and with the intent and purpose then and there of each of them that the said Gertrude Baden alias Gertrude Hays should engage in the practice of prostitution in the said city of Beaumont, Texas, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States.

J. B. DAILEY,

Asst. United States Attorney.

The foregoing has the following endorsements, to-wit:
Cr. No. 167. No. 2124. District Court United States.
Eastern District of Texas. The United States vs. Effie
Hoke and Basile Economides. Indictment. Violation
"White Slave Traffic Act." A true bill. H. E. Cabeen,
Foreman. Filed in open court Mch. 10, A. D. 1911. J.

R. Blades, Clerk, by Jno. S. Stone, Deputy. J. B. Dailey, Asst. U. S. Attorney. Filed Mar. 13, 1911. J. R. Blades, by C. C. Bumpas, Deputy.

VERDICT.

Filed April 11, 1911.

Beaumont, Texas, April 11, A. D. 1911.

We, the jury, find the defendants Effie Hoke and Basile Economides guilty as charged in the first count of the indictment.

We also find the defendants Effie Hoke and Basile Economides guilty as charged in the second count of the indictment.

We, the jury, also find the defendants Effie Hoke and Basile Economides guilty as charged in the third count of the indictment.

(Signed) B. J. Lewis,
Foreman.

The foregoing has the following endorsements, to-wit:
Cr. No. 167. The United States vs. Effie Hoke & Basile Economides. Verdict of jury. Filed Apr. 11, 1911. J. R. Blades, Clerk, by C. C. Bumpas, Deputy.

JUDGMENT OF CONVICTION.

Entered April 11, 1911.

The United States

versus

No. 167.

Effie Hoke and

Basile Economides.

April 11th, 1911.

On this day, April 11th, 1911, came the United States Attorney, and the defendants appearing in their own proper persons, in custody of the Marshal of this district, as of yesterday, the trial having continued from

day to day. Thereupon, the defendants, Effie Hoke and Basile Economides, were severally and legally arraigned upon the charges alleged in the bill of indictment duly filed herein against them; and upon said arraignment, having entered their several pleas of not guilty.

Thereupon, on this day the jury of twelve good and lawful men, to-wit: B. J. Lewis and eleven others, who having been heretofore duly elected, tried, impaneled and sworn, and who having heard the pleas of the defendants and the evidence herein, and having received the charge of the court, returned into open court, their verdict, in words and figures as follows, to-wit:

“Beaumont, Texas, April 11th, A. D. 1911.

“We the jury find the defendants, Effie Hoke and Basile Economides, guilty as charged in the first count of the indictment.

“We also find the defendants Effie Hoke and Basile Economides guilty as charged in the second count of the indictment.

“We the jury also find the defendants Effie Hoke and Basile Economides guilty as charged in the third count of the indictment.

“(Signed) B. J. Lewis,
 Foreman.”

Wherefore, it is considered, ordered and adjudged by the court that the defendants herein, Effie Hoke and Basile Economides, be, and they are hereby adjudged guilty in the following particulars: That the defendant Effie Hoke be, and she is hereby adjudged guilty of unlawfully, feloniously and knowingly persuading, inducing and enticing one Annette Baden, alias Annette Hays, a woman; and Florence Baden, alias Florence Hays, a woman; and Gertrude Baden, alias Gertrude Hays, a girl under the age of eighteen years of age, to go from New Orleans, a city in the State of Louisiana, to Beaumont, a

city in the State of Texas, in interstate commerce, for the purpose of prostitution; and that the said Basile Economides, in the said city of New Orleans and State of Louisiana, did unlawfully, feloniously and knowingly aid and assist the said Effie Hoke to persuade, induce and entice the said Annette Baden, alias Annette Hays, Florence Baden, alias Florence Hays; and Gertrude Baden, alias Gertrude Hays, to go in interstate commerce from New Orleans in the State of Louisiana, to Beaumont, in the State of Texas, for the purpose of prostitution, as charged in counts one, two and three of the indictment, and as found by the jury.

And said defendants were thereupon remanded to the custody of the Marshal of this district.

JUDGMENT OF SENTENCE.

Entered April 15, 1911.

The United States

versus

Cr. No. 167.

Effie Hoke and

Basile Economides.

April 15th, 1911.

Beaumont, Texas, April 15th, 1911.

On this day again came the United States Attorney and the defendants again appearing in their own proper persons, respectively, in the custody of the Marshal. Thereupon, each of the defendant, to-wit: Effie Hoke and Basile Economides, was asked by the court if anything they had to say why the sentence of the court should not be pronounced against them, respectively; and each of the defendants saying nothing in bar of judgment;

Therefore, it is now considered by the court, and the court doth now here pronounce judgment and sentence against said defendants, as follows: That the said defendant Basile Economides be taken hence forthwith

by the United States Marshal for the Eastern District of Texas, and confined in the County Jail of Jefferson County, Texas; that, as soon thereafter as is convenient, the said defendant, Basile Economides, shall be by the said Marshal delivered to the Warden of the United States Penitentiary, at Leavenworth, Kansas, and that the defendant be confined in said penitentiary for a period of two years upon the first count of the indictment; also for a period of two years upon the second count of the indictment; also for a period of two years upon the third count of the indictment. Said sentence of two years upon the second count shall begin to run at the expiration of the sentence of two years upon the first count; and said sentence of two years upon the third count shall begin to run at the expiration of the sentence of two years adjudged upon the second count; the sentence to begin from the time of the delivery of his body to the Warden of said penitentiary.

(2) That the said defendant, Effie Hoke, be taken hence forthwith by the United States Marshal for the Eastern District of Texas, and confined in the County Jail of Jefferson County, Texas; that as soon thereafter as is convenient, the said defendant, Effie Hoke, shall be by the said Marshal delivered to the Warden of the Kansas State Penitentiary, at Lansing, Kansas, and that the defendant, Effie Hoke, be confined in said penitentiary for a period of two years upon the first count of the indictment; also for a period of two years upon the second count of the indictment; and for a period of two years upon the third count of the indictment. Said sentence of two years upon the second count shall begin to run at the expiration of the sentence of two years upon the first count; said sentence of two years upon the third count shall begin to run at the expiration of the sentence of two years adjudged upon the second count; the sentence to date from the time of the delivery of her body to the Warden of the penitentiary last aforesaid.

It is further considered by the court, and so ordered, that a writ of commitment issue from this court to carry, and that the Marshal of the Eastern District of Texas, take and convey, the bodies of the said defendants, respectively, to the penitentiaries hereinbefore named, and deliver their bodies within the walls of said respective penitentiaries to the Superintendent or other proper officer thereof, together with a certified copy of the judgment of conviction, also a certified copy of this sentence and judgment, both under the seal of the court, in order that this judgment may be carried into effect. It is further ordered that a commitment issue from this court to the Jailor of the Jefferson County Jail, in order that the said defendants may be there confined pending the convenience of the Marshal as aforesaid, in delivering defendants to the Wardens.

And the defendants were remanded to the custody of the Marshal.

BILL OF EXCEPTIONS No. 1 & 2.

Filed May 23, 1911.

In the District Court of the United States for the Eastern District of Texas, at Beaumont.

United States

versus

Criminal No. 167.

Effie Hoke and

Basile Economides.

Be it remembered that preceding their announcement of ready for trial and before being called upon to plead to the indictment in this cause the defendant, Basile Economides, filed and presented to the Court the following demurrers and motions to quash the indictment herein, which the co-defendant, Effie Hoke, adopted, to-wit:

“In the District Court of the United States for the Eastern District of Texas, at Beaumont.

United States

versus

Cr. No. 167.

Effie Hoke and

Basile Economides.

“Now comes the defendant, Basile Economides, and demurring to the indictment herein, moves to quash the same on the following grounds, to-wit:

FIRST.

“Because the Act of Congress of June 25th, 1910, commonly designated and known as the ‘White Slave Act,’ under which this indictment is drawn is in express violation of the Constitution of the United States, Art. IV, Sec. 2, in this: That one of the ‘privileges’ of a citizen of a State is to travel into another State, and the ‘immunity’ of protection from arrest in so doing, regardless of the intent or purpose of the traveller to give herself up to ‘debauchery’ or prostitution or for any other immoral purpose after completing her journey; and another ‘privilege or immunity’ of a citizen is to aid or assist her in obtaining such transportation, regardless of her purpose, intent, or object, and regardless of his purpose, intent, or object in so aiding her, or the pursuit of any occupation, whether moral or immoral, she may have upon the completion of her journey, and regardless of the purpose of the person aiding or assisting her in obtaining such transportation.

SECOND.

“Because among the powers reserved to the States individually is that of forbidding, regulating or controlling prostitution or the debauchery of their female citizens, and of prescribing any rule or rules governing the morals or immoralities of their female citizens; and the Congress of the United States cannot constitutionally aid, regulate, or interfere with any of the powers so reserved to the States individually, by thus indirectly denouncing as a felony the acts of aiding and assisting one citizen by another to travel interstate with the purpose, object, or intention that the citizens so traveling at the end of the journey should engage in prostitution or debauchery or other immoral practice.

THIRD.

"Because the enumerated constitutional power granted to Congress, and conferred by the United States Constitution, Art. I, Sec. 8, subdivision 2, 'to regulate commerce * * * * among the several States,' does not embrace or include the power to regulate the acts after reaching her destination of any citizen who has traveled interstate, nor the disposition of any commodity in a State after it has reached its destination; in that in any case as soon as the interstate carriage is completed the power to control the passenger or the commodity ceases as a matter of 'Commerce among the States.'

FOURTH.

"Because Congress under its delegated power 'to regulate commerce * * * * among the States,' has no power to make the intention or purpose of an interstate traveller, nor of any person aiding or assisting her to procure the transportation, upon reaching his or her destination, a condition precedent to his or her right to such interstate transportation where no treason against the General Government or some individual State is alleged in the indictment.

GREER & NALL, and
T. H. BOWERS, of counsel
for said Defendant.

HAL W. GREER,
Attorney for the De-
fendant, Basile
Economides."

The foregoing has the following endorsements, to-wit:
Criminal No. 167. United States vs. Effie Hoke and Basile Economides. Demurrers and motion to quash indictment, filed by defendant, Basile Economides. Filed April 3, 1911. J. R. Blades, Clerk, by C. C. Bumpas, Deputy.

The defendant, Effie Hoke, joined in and adopted the foregoing as pertaining to her defense, and the Court considered the same as though filed by her.

And the Court after hearing said motion, and the argument of counsel thereon, because it was and is the opinion of the Court that said demurrers and motion to quash are not well taken, and being of opinion the Act

of Congress of June 25th, 1910, commonly designated and known as the "White Slave Act" is constitutional in all respects, in open court overruled and refused said demurrers and motion to quash, and required the defendants to plead to said indictment; to all of which defendants in open court then and there duly excepted.

And thereupon the defendant, Basile Economides, duly presented sworn demurrers to said indictment, which his co-defendant, Effie Hoke, adopted, as follows, to-wit:

"United States District Court, Eastern District of
Texas. Paris Division.
The United States
versus
Effie Hoke and
Basile Economides. No. 167.

"And now comes the defendant, Basile Economides, in his own proper person and represented by his counsel and protesting his innocence and not waiving the demurrer filed hereinbefore by him, yet says that the said indictment No. 167, and in each and every count thereof, as the allegations are in each and every count thereof contained and set out is not sufficient in law to compel him to answer the same and especially for this, to-wit:

"1. Because the matters and things set out and charged against him, the said Basile Economides, in each and every count thereof do not constitute an offense against the laws of the United States.

"2. Because the matters and things in each and every count of said indictment against him, said Basile Economides, charged and set out do not constitute an offense cognizable in this Honorable Court, that said matters and things do not come within its powers and jurisdiction.

"3. That it is not alleged and charged in the first count of the said indictment that the said Basile Economides did thereby knowingly cause or aid or assist in

causing the said Annette Baden alias Annette Hays to go and be carried or transported as a passenger upon the line or route of any common carrier or carriers in interstate or foreign commerce, or any territory or the District of Columbia.

"4. That it is not alleged or charged in the second count of the said indictment that the said Basile Economides did thereby knowingly cause or aid or assist in causing the said Florence Baden alias Florence Hays to go and be carried or transported as a passenger upon the line or route of any common carrier or carriers in interstate or foreign commerce, or any territory or the District of Columbia.

"5. That it is not alleged or charged in the third count of said indictment that said Basile Economides did in furtherance of said purpose knowingly induce or cause the said Gertrude Baden alias Gertrude Hays a girl under the age of eighteen years to go and to be carried or transported or transported as a passenger in interstate commerce upon the line or route of any common carrier or carriers.

"6. That the allegations in said indictment in each and every count thereof are so vague, general, and uncertain as to afford no proper notice unto him said Basile Economides to plead and prepare his defense.

"Wherefore for want of a sufficient indictment in the premises the defendant Basile Economides prays that he be not compelled to answer the same and that he be discharged.

CHANDLER C. LUZENBERG,
Attorney for Defendant,
Basile Economides.

GREER & NALL, and
T. H. BOWERS, of Counsel.

BASILE ECONOMIDES.

"Basile Economides being duly sworn doth say that all allegations of fact contained in this demurrer are true to the best of his knowledge and belief.

"Sworn to and subscribed before me this the 5th day of April, A. D. 1911.

J. R. BLADES, Clerk,
By C. C. BUMPAS, Dep.

The foregoing has the following endorsements, to-wit:
Cr. No. 167. United States vs. Effie Hoke and Basile Economides. Demurrers of the defendant, Basile Economides, to the indictment. Filed Apr. 5, 1911. J. R. Blades, Clerk, by C. C. Bumpas, Deputy.

The defendant, Effie Hoke, by her counsel, joined in and adopted the foregoing as pertaining to her defense, and the Court so considered the same.

And the Court after hearing the argument of counsel thereon, because it was and is the opinion of the Court that said demurrers are not well taken and that the indictment sufficiently sets forth and charges the offense under the law, the Court thereupon overruled and refused said demurrers. To which the defendants in open court duly excepted.

And now here in open court present this their bill of exceptions Number 1 to such rulings of the Court, and they pray that the same be duly approved and filed and ordered incorporated in the record herein.

HAL W. GREER,
T. H. BOWERS,
C. C. LUZENBERG,
E. L. NALL,
W. R. BLAIN and
C. W. HOWTH,

Attorneys for said Defendants.

Presented and duly approved and ordered filed and incorporated in the record herein this the 23rd day of May, A. D. 1911.

GORDON RUSSELL,
Judge Presiding.

BILL OF EXCEPTIONS No. 2.

In the District Court of the United States for the Eastern District of Texas, at Beaumont.

United States
versus No. D. L. 167.
Effie Hoke and
Basile Economides.

Be it remembered, that on the trial of this cause, beginning on the 6th day of April, A. D. 1911, and ending on the 11th day of April, A. D. 1911, and at the April Term, A. D. 1911, of said court, the Hon. Gordon Russell, Judge Presiding, the following proceedings were had, to-wit:

A jury was impaneled and sworn according to law, and thereupon the United States, to sustain the issue upon its part, offered the following testimony, of the following witnesses as its evidence in chief:

ANNETTE BADEN, alias Annette Hays, testified for the United States as follows:

Questioned by Mr. Dailey, Assistant United States Attorney:

- Q. State your name to the jury:
A. Annette Baden.
Q. Do you go by any other name?
A. Yes sir.
Q. What is that?
A. Hays.
Q. Annette Hays?
A. Yes sir.
Q. Did you ever live in the City of New Orleans?
A. Yes sir, two years.
Q. When did you go to New Orleans first?
A. The 15th of June will be two years.

Q. Two years ago?

A. Yes sir, two years ago this June.

Q. Where had your home been prior to that time?

A. At Slidell, La.

Q. Were you in any business when you went to New Orleans?

A. Yes sir, saleslady.

Q. In whose store?

A. Maison-Blanche.

Q. How long did you work there?

A. Six months.

Q. You stayed there six months?

A. Yes sir.

Q. What did you do then?

A. After I worked there awhile I went to a confectionery store as saleslady, Furst & Kramer's.

Q. How long did you work for them.

A. Six months.

Q. What did you do then?

A. I went on State Street and lived with my grandmother.

Q. You lived there how long?

A. Six months.

Q. What did you do then?

A. I went to the country and stayed two weeks.

Q. You stayed in the country two weeks?

A. Yes sir.

Q. When did you come back from the country?

A. On Sunday afternoon.

Q. In what year was that?

A. Last year.

Q. In what month?

A. November.

Q. Do you know Basile Economides?

A. Yes sir.

Q. Point him out to the jury?

A. (Points to the defendant Economides).

- Q. The man with the mustache back there?
A. Yes, sir.
- Q. Do you know Effie Hoke?
A. Yes, sir.
- Q. How long had you known Economides before you went to the country?
A. About four or six months.
- Q. What business was he in?
A. The saloon business.
- Q. Where was his saloon?
A. On Burgundy and Iberville.
- Q. In what place.
A. In New Orleans.
- Q. Did he have just an ordinary saloon, where you would go to get a drink; what sort of saloon did he run?
A. A saloon and private dining-room for ladies to drink.
- Q. Is that what is known as a wine room?
A. Yes, sir; a wine room.
- Q. You say you had known him four or six months before you went to the country?
A. Yes, sir.
- Q. Do you know Effie Hoke?
A. Yes, sir.
- Q. Point her out to the jury.
A. (Points out the defendant, Effie Hoke).
- Q. When did you first meet her?
A. Monday afternoon, when I came from the country.
- Q. After you came back from the country on Sunday?
A. Yes, sir.
- Q. Where did you meet her?
A. At Mr. Economides' Cafe.
- Q. How did you happen to be at the cafe?
A. We were passing there, and he called us.
- Q. Who were passing there?
A. My sister Florence and I.
- Q. Is she older or younger than you?

A. Younger.

Q. How old are you?

A. Twenty.

Q. You were passing Economides' saloon?

A. Yes, sir; and Mr. Economides called us. He called us, and we started on. My sister was on her way to work at the picture show.

Q. Where were you going?

A. Home. A little boy came after us and says: "Mr. Economides says you-all come back." My sister says: "I have to go to work at the picture show." So I went back to the saloon to the corner, and he was standing in front of his saloon, and my sister went on to work, and I went back to him and was talking to him and Mr. Economides says: "Go on and get Florence."

Q. You went back with the little boy to Economides' place?

A. Yes, sir.

Q. What was said when you got back?

A. He said: "Where is Florence?"

Q. Who said that?

A. Mr. Economides. And he said: "Where have you been all this time?" And I told him: "I have been to the country." And he says: "I have been looking for you."

Q. What else did Mr. Economides say?

A. He told the little boy to go back and get Florence.

Q. Did the boy leave?

A. Yes, sir; and Florence was near the corner.

Q. Where did you and Economides go then?

A. I went upstairs with Mr. Economides.

Q. Was that over his saloon?

A. Yes, sir.

Q. What kind of room was it you went into over the saloon?

A. A private wine room.

Q. Connected with his saloon?

A. Yes, sir.

Q. All right; go ahead and tell the jury what he said after you got up there.

A. We had a drink, Mr. Economides and I, and by that time Florence came in, and we had another drink; and Mr. Economides says: "I have a lady friend I want you to meet," and he says, "Do you want to meet her?" and we said "yes," and he said he had 'phoned for the friend he wanted us to meet, and so in about twenty minutes afterwards Miss Effie came in.

Q. Effie who?

A. Hoke.

Q. The defendant here?

A. Yes, sir. We all drank together.

Q. You, Florence and Mr. Economides?

A. Yes, sir.

Q. You continued having drinks together?

A. Yes, sir; and after twenty minutes afterwards, while we were drinking, Miss Pauline came in.

Q. How long was it after you went up in the wine room until Effie Hoke came?

A. Twenty minutes.

Q. What was said by Economides or by Effie Hoke, if anything?

A. When she came in he said: "Here is the lady from Beaumont I want you to meet." He says: "Miss Effie, these are the girls I have been telling you about," and she said, "Let's have a drink," and we all had a drink together; and by that time Mr. Economides says, "You have another sister, Gertrude; go get her." He says, "She is younger than these two; go get her." I says, "No, I don't want my little sister along; don't go get her." Miss Effie says, "Yes, here is fifty cents, go get Gertrude." She said that to Florence, and she went and got Gertrude.

Q. Was there anything else said, anything about your leaving New Orleans?

A. After we had some drinks and all she said she had a private house in Beaumont.

Q. Tell what Economides said, and what Effie Hoke said.

A. She said she had a private boarding house in Beaumont, and there was no reason for working for five dollars a week when salesladies could get fifteen dollars a week in Beaumont. We were intoxicated, and we said we did not care, we would go along, and in about twenty minutes afterwards Gertrude came in and we had a drink, and she told all about going to Beaumont.

Q. Did Economides say anything about going to Beaumont?

A. He said his lady friend would treat us nice; that she had a private boarding house, and that we would be well taken care of—just like a mother.

Q. Anything else?

A. We continued taking drinks, and ordered drink after drink, and sister Florence started to go to the theatre, and they said "No, stay here," and Economides said we were pikers and to take more drinks. Florence said, "I have to go to the theatre. I am not dressed to think of being out; let me go to the theatre." He said, "Oh, don't be a piker; have a drink." Economides said that.

Q. He said, "Don't be a piker, have some more drinks"?

A. Yes, sir.

Q. Florence left, I believe you said, to go get the other sister?

A. Yes, sir; in about twenty minutes she was back with her, and we had more drinks with Gertrude, and when we left there Mr. Economides 'phoned for a taxicab, after we decided we would go, and we went from there to Miss Pauline's. We went to her house in the taxicab, and there we had two drinks, and then we went to the depot.

Q. Was anything said by Effie Hoke to Economides there at the saloon about money matters?

A. No, sir.

Q. About owing some money?

A. Mr. Economides said, "Tell Effie Hoke you owe \$12.00 to your landlady on St. Charles Street. " I told him I didn't owe anything.

Q. Did he tell you why you must tell her that?

A. He said: "When you get in Beaumont you don't know what time you will want to come back, and I will send you the \$12.00 and you can come back." I told him I did not owe my landlady anything, and he says, "I will tell her you owe \$6.00," and when she came back to Beaumont she told me I owed \$6.00 to Economides for a board bill, and I told her I didn't owe anything.

Q. You say that after your sister Gertrude got there you all decided to come to Beaumont?

A. Yes, sir; after we had a couple more drinks

Q. Florence and Gertrude are both your sisters?

A. Yes, sir.

Q. How old is Florence?

A. Nineteen the 18th of this month.

Q. How old is Gertrude?

A. Seventeen last December.

Q. Where did you go from Economides' saloon?

A. Mr. Economides 'phoned for a taxicab, and we went to Miss Pauline's.

Q. Who paid for the taxicab?

A. Miss Effie did.

Y. Was there anything said by Economides as to who was to pay?

A. He told them they would settle down at the house.

Q. Whose house?

A. Miss Pauline's.

Q. Who is Miss Pauline?

A. She is a landlady on St. Louis Street.

Q. The keeper of an assignation house?

A. Yes, sir.

Q. This was on Monday afternoon?

A. At 7:30; yes, sir.

Q. What date?

A. I don't remember the date; about the 14th, I think, of November.

Q. What time did you all leave the wine room?

A. About 7:30.

Q. What time was it that Economides first called you that afternoon?

A. Somewhere near 5 o'clock; 5 o'clock in the afternoon.

Q. You stayed at the wine room until 7?

A. Yes, sir; 7:30.

Q. And then went in a taxicab to Miss Pauline's?

A. Yes, sir.

Q. How long did you stay there?

A. Fifteen or twenty minutes.

Q. What happened there?

A. We had a couple of drinks.

Q. Was Mr. Economides there?

A. No, sir; we had a couple of drinks, and fixed up and put on different hats and went to the depot.

Mr. Luzenberg, for Defendant Economides: We submit that anything that occurred out of the presence of Mr. Economides is not evidence against him.

The Court: In the opinion of the Court, it would be a matter of fact for the jury to decide what connection Economides had with procuring the girls to come from New Orleans to Beaumont. This witness having testified about a conversation, I think the balance of it becomes admissible, like the journey itself becomes admissible.

Defendant Economides excepts.

Q. You went to this house; who was present when you got to this house?

A. Miss Effie and Miss Pauline were present when we got to the house.

Q. Pauline who?

A. Pauline Wilson.

Q. You got there some time after 7 o'clock?

A. Yes, sir.

Q. You had agreed to come to Beaumont when you left the saloon?

A. Yes, sir.

Q. What did you hear Effie Hoke say after you got to this place about coming to Beaumont, and how you would come here?

Mr. Luzenberg: We make the same objection.

The Witness: She said, "Here is a lady that will go with you: Therese Flood."

Q. Who made that statement?

A. Miss Effie did. She says, "I am sending Therese with you; she is older than you-all and used to traveling and more experienced; you go along with her." And Effie counted out some money, and she said to Miss Pauline, "Will you lend me money to make up \$45.00?" and she said "yes" and looked in a trunk and counted out the money and handed it to Theresa, and said "You take the girls over and I will be over there to-morrow morning."

Q. Over where?

A. To Beaumont.

Q. Effie told you that Theresa was going along with you; that she was older than you, and she would give Theresa the money to bring you to Beaumont, and she, Effie Hoke, would come on the next morning's train?

A. Yes, sir.

Q. Miss Pauline was at Economides' saloon?

A. Yes, sir; Effie was there about twenty minutes, and Miss Pauline came.

Q. In the conversation between yourself and Economides and Effie Hoke, did Economides say anything in reference to if you were not satisfied in Beaumont?

A. Yes, sir; he said if we were not satisfied to write to him and he would send us the money to come back.

Q. That if you got to Beaumont and were not satisfied to write to him and he would send you the fare back to New Orleans?

A. Yes, sir.

Q. When did you leave Pauline Wilson's house? What time of night was it?

A. About quarter past eight, I guess.

Q. Where did you go?

A. We went from there in a taxicab to the Union Station.

Q. How long did you stay there?

A. I guess we stayed about twenty minutes at the station before we taken the train.

Q. You took the train at the station?

A. Yes, sir.

Q. Do you know what road it was?

A. No, sir.

Q. Who bought the tickets down there?

A. Theresa bought four tickets.

Q. Did you have any money at that time?

A. No, sir.

Q. Theresa Flood bought the tickets?

A. Yes, sir.

Q. She bought both your sisters' tickets and your ticket?

A. Yes, sir.

Q. You took the train at New Orleans?

A. Yes, sir.

Q. Where did you go?

A. To Beaumont.

Q. What time did you get to Beaumont?

A. About quarter to eight the next morning we got here.

Q. What coach did you come in, the day coach, or a Pullman coach, or what?

- A. We took a chair car.
- Q. Did you stay in that chair car from the time you left Beaumont until you reached New Orleans?
- A. Yes, sir.
- Q. You reached Beaumont at what time?
- A. Quarter to eight the next morning.
- Q. Where did you go after you got here?
- A. We taken a taxicab and went to Effie Hoke's.
- Q. Where was Effie Hoke's?
- A. Down on Bonham Street.
- Q. On Bonham Street?
- A. Yes, sir.
- Q. What kind of house was that?
- A. It was a rough house.
- Q. What kind of house?
- A. A rough house.
- Q. By that you mean a sporting house?
- A. Yes, sir.
- Q. Was it a house of prostitution?
- A. Yes, sir.
- Q. Who was there when you got there?
- A. Two girls taking care of the house.
- Q. What were their names?
- A. Lucille Camp and Ouida Landry.
- Q. When you left New Orleans, did you understand you were going to a house of prostitution?
- A. No, sir.
- Q. When was the first time you discovered that you were in a house of prostitution?
- A. As soon as I got there.
- Q. Who told you that?
- A. Ouida Landry.
- Q. When did you next see the defendant, Effie Hoke, after you left New Orleans?
- A. The following morning; the next morning after we got here.
- Q. Did you have any conversation with her?

Mr. Luzenberg: We make the same objection.

The Witness: Yes, sir; a couple of hours after she came we did.

Q. What about?

A. She called us down and said she would make books with us; how much we owed her, our fare over here, and \$18.00 board and the \$6.00 we owed our landlady; and I told her we did not owe the landlady anything, and she said Economides said we owed her \$6.00.

The Court: Do you mean charged you up with it?

The Witness: Yes, sir; our fare over here and board.

Q. She said you owed her the fare over here?

A. Yes, sir; \$8.35.

Q. You owed her how much?

A. Eighteen dollars board and \$6.00 she gave Mr. Economides.

Q. She said she gave Economides what?

A. Six dollars that he said we owed the landlady.

Q. Now, did you want to go back to New Orleans?

A. Yes, sir. We went to Ouida Landry's room, and she said: "Do you know what kind of house you are in?" I says: "No; what kind of house is it?" She says: "You are in a tough sporting house." And she said: "I want to go back myself, but I owe a bill." We three sisters said we wanted to go back, too.

Mr. Howth: We object to that as hearsay.

The Court: The statements made by Ouida Landry would not be admissible.

The Witness: After she made books with us I wanted to go, and she said: "You owe me \$18.00 board." I said: "I want to go back to New Orleans."

Mr. Luzenberg: We object to these statements made, because they were out of the presence of Mc. Economides.

Objection overruled.

Defendant Economides excepts.

Q. Go ahead and state what was said.

A. I told Miss Effie I wanted to go back to New Orleans, and she said: "You have to pay me \$6.00 I gave Mr. Economides, and \$8.35 for your fare, and your board starts to-day." I told her I did not have it, and she said: "You have to stay here until you pay it." We stayed there a week and a half, and could not get out of debt. Peddlers would come along and she would buy us things, and we got in debt more and more and we never could get out of debt, so one morning we decided to take up our clothes and go, anyway. We packed up our clothes, and one of my sisters got out in the morning, and Gertrude did not get out. Ouida Landry and Florence got out.

Q. What time did they leave the house?

A. About 5 o'clock, I believe; and Gertrude and I left there; I mean were left there; we were asleep, so they sent this fellow back for Gertrude and I.

Q. Who was that?

A. Paul something; I forget his name.

Mr. Howth: We object to that, because it is not shown that either defendant had any connection with Paul.

The Court: No, sir; but it explains the conditions under which they left, and I will allow her to state it.

Exception by both defendants.

Q. He came back for you-all?

A. Yes, sir; when he was coming up the back way he turned over a chair and Miss Effie waked up.

Q. Who came up the back way?

A. Paul; and he stumbled over a chair and that waked Miss Effie, and she asked him what he meant by breaking in her house. He said: "I did not break in your house; I came here to see Gertrude." She says: "Yes, you have taken Florence and Ouida, and now you have

come for Annette and Gertrude." And she 'phoned for an officer and had him arrested, so the officer came and taken Paul away.

Q. What did Effie say to you, if anything?

A. She came in my room and taken my clothes and Gertrude's and put them in a vacant room and locked them up.

Q. Why did she do that?

A. She said there were two men——

Mr. Howth: We object to that, because it is not charged in the complaint and does not constitute any part of the offense with which the defendants are charged. Nothing that happened in Beaumont could constitute an offense under the Federal statute. That might constitute an offense against the State laws, but the offense charged here is bringing the women from New Orleans to Beaumont for a particular purpose, and it is immaterial what they did after they got here. It is prejudicial to the defendants, and does not constitute any part of the allegations of the indictment against the defendants, nor could it possibly constitute any offense against the United States Government.

Objections overruled.

Mr. Greer: There is no charge in the indictment that they were held or restrained, and to permit proof of such facts tends to prejudice the jury against the defendant Economides, who was not present and not participating.

Both defendants except.

Q. Now, what did Effie say to you?

A. She told us she would keep our clothes until we paid her what we owed her. She taken my clothes and Sister Gertrude's and locked them in a vacant room, and she said when we paid her what we owed her we could leave, so that afternoon, after Florence and Ouida got out, she would not give me my hat or coat or anything,

so I borrowed the maid's coat and went to the postoffice, and there I met Florence and Ouida and was talking to them, and was on my way back to Miss Effie's to stay with Gertrude, and an officer said, "Miss Effie has got all three of you up for vagrancy—"

Q. Don't state that. Were you arrested?

A. Yes, sir; he said, "You are under arrest."

Mr. Howth: We object to all this as irrelevant and immaterial and is not covered by the allegations of the indictment and does not constitute proof of the allegations of the indictment.

Mr. Greer: Let the objections apply for both defendants.

The Court: I will admit the testimony as to the defendant Effie Hoke. At the same time, I will tell the jury now that testimony of any transaction had by this or any of the other witnesses with Effie Hoke when the defendant Economides was not present, would only be evidence against Effie Hoke, unless the jury should find from the evidence in the case taken as a whole that both defendants, Economides and Effie Hoke, were engaged in the commission of the offense charged in the bill of indictment. If the jury should find that there was an agreement between Effie Hoke and Economides to commit the offense charged, then statements made by either of them in pursuance of the common design would be evidence against both of them up to the time of the consummation of the offense charged in the bill of indictment and statements made by either of the defendants after the completion of the offense charged would only be evidence against the one making the statement. In addition to that, the Court will endeavor to give the jury the proper rule in the charge. I will admit it against the defendant, Effie Hoke, and it will not be considered as testimony against the defendant Economides.

Defendant Effie Hoke excepts.

Q. You were arrested by an officer for what?

A. Vagrancy.

Q. Did you telephone Effie Hoke about that?

A. Yes, sir.

Mr. Howth: We object to that as leading.

Objection overruled.

Defendant Effie Hoke excepts.

Q. You did telephone to Effie Hoke?

A. Yes, sir.

Q. State the conversation between yourself and Effie at that time.

A. I 'phoned her and asked her if it was so, that the Marshal said I was under arrest and that she had all three of us up for vagrancy, and she said "yes."

Q. You told her you were under arrest?

A. Yes, sir.

Q. And that the Marshal had said she had had all three of you arrested for vagrancy?

A. Yes, sir; myself, Florence and Ouida.

Mr. Howth: We object to that. The statement made by the Marshal would not be admissible.

Q. You told her that the Marshal had said that all three of you were arrested for vagrancy?

A. Yes, sir; and she said "yes, I had you all up for vagrancy." I said, "I was on my way back," and she said she didn't care, I was up for vagrancy.

Q. Don't state what the Marshal said. Did you go back to her house any more?

A. No, sir; he told us—

Q. Don't state what the Marshal said. I understood you to say that you and your sister Florence had just got back from the country when you left for Beaumont on Monday?

A. Yes, sir.

Q. What clothes did you have in New Orleans?

A. A suitcase I had taken to the country with me.

Q. Did that have your clothes in it?

A. Yes, sir; some of mine and Florence's.

Q. Did you bring that suitcase with you?

A. Yes, sir.

Q. What clothes did Gertrude bring with her?

A. She didn't have any with her.

Q. How were you dressed when you went down to Pauline's house in New Orleans before you left?

A. I was plainly dressed; I had a little plain hat when we went to Pauline's and Miss Effie gave me one of her hats.

Q. What kind of hat was that?

A. A pink hat, with an ostrich tip on it.

Q. Did she say why she gave you that hat?

A. She said: "Take this and wear it; your hat looks too girlish."

Q. Were the clothes of your other sisters changed?

A. Pauline brought out a hat for Gertrude and told her to wear it, that she looked fine in it, and would not look so kiddish with it on.

Q. When you left the house of the defendant, Effie Hoke, in Beaumont, you were arrested. You stated your clothes were locked up?

A. Yes, sir.

Q. You borrowed a cloak from whom?

A. The maid at Miss Effie's.

Q. Who was the maid?

A. Julia, a colored maid.

CROSS-EXAMINATION.

Questioned by Mr. Luzenberg.

Q. When you first came to New Orleans, I understood you to say you were working for Maison-Blanche?

A. Yes, sir.

Q. Where were you living?

A. No. 621 St. Charles Street.

Q. Whose house was that?

A. Mrs. Grainage's.

Q. Do you remember what month that was when you first came to New Orleans?

A. Yes, sir; June.

Q. What year?

A. Two years ago this June.

Q. 1909?

A. Yes, sir.

Q. How long did you remain at Mrs. Grainage's?

A. About a month.

Q. Where then did you go?

A. I went from there to my grandmother's, on State Street.

Q. That is on what part of State Street?

A. No. 608.

Q. How long did you remain there?

A. Only six months.

Q. Did you move back to Mrs. Grainage's at any time?

A. Yes, sir. I stayed with my grandmother six months, and then went back to Mrs. Grainage's and stayed there about a month.

Q. When you first stayed at Mrs. Grainage's, you worked at the Maison-Blanche as a saleslady?

A. Yes, sir.

Q. What time did you go to work in the morning?

A. About 8 o'clock.

Q. You worked until about what time?

A. At 5 o'clock in the afternoon.

Q. The second time you were at Mrs. Grainage's, you were working at Furst & Kramer's?

A. Yes, sir; I worked at Maison-Blanche and stayed with my aunt before I finished working there.

Q. Did you ever live at Mrs. Carrie Bryant's?

A. No, sir.

Q. No. 127 North Rampart Street?

A. No, sir.

Q. Now, at the time you met Miss Hoke, you were then boarding with whom?

A. Mrs. Maggie Howard or Miss Haggie Howard.

Q. Had you been working that day?

A. No, sir.

Q. Were you working at all at that time?

A. I had just come in from the country Sunday afternoon and was going to go to work on Wednesday, and met Miss Effie on Monday.

Q. You were with Miss Florence when you passed Economides' place?

A. Yes, sir.

Q. You had been in the country how long before you met Miss Effie?

A. Two weeks. I had been in Pass Christian, Miss.

Q. What had you been doing in Pass Christian, Miss.?

A. Visiting my aunt.

Q. Your sister Florence was with you?

A. Yes, sir.

Q. Was your sister Gertrude?

A. No, sir; she was with my aunt on Tulane Avenue.

Q. You had been to the saloon of Mr. Economides before?

A. Yes, sir.

Q. Many times?

A. Yes, sir.

Q. You knew it was a saloon that women and men frequented?

A. Yes, sir.

Q. As a matter of fact you did know it, did you not?

A. Yes, sir.

Q. When you first passed by Economides he told you what? I understood you to say he wanted you to meet someone?

A. Yes, sir; and I went back to where he was in front of the saloon. He said, "Where is Florence?" and sent

a little boy to tell Florence to come back, and Mr. Economides and I went upstairs and in fifteen or twenty minutes Florence came in.

Q. How many drinks did you have while waiting for Florence?

A. Two or three drinks.

Q. What were you drinking?

A. Beer and cocktails.

Q. Mixed together?

A. Yes, sir.

Q. Did you have any drinks with Florence when she came?

A. Yes, sir.

Q. Florence came before Miss Effie Hoke did?

A. Yes, sir.

Q. How many drinks did you have with Florence before Miss Effie Hoke came?

A. Four or six drinks.

Q. Was that besides the two or three you had before?

A. Yes, sir.

Q. Do you remember what you were drinking?

A. Cocktails and creme de menthe and celery highballs and beer all mixed up.

Q. Six or eight or ten drinks you had before Effie Hoke came?

A. Yes, sir.

Q. You said a woman named Wilson came?

A. Yes, sir; Pauline.

Q. Did she come before or after Effie Hoke?

A. Afterwards.

Q. You said something about Effie asking you to take a drink?

A. Yes, sir; Economides introduced us to Effie and she said "Let's have a drink," and we had more drinks; different kinds, I guess.

Q. Do you remember how many drinks you had between the time Effie came and Miss Wilson came?

A. I guess about six drinks.

Q. Isn't it a fact you took so many drinks that you don't remember how many you had?

A. No, sir, I don't remember; I kept on drinking; I never did keep count.

Q. Everybody was drinking?

A. Yes, sir.

Q. I understood you to say that Mr. Economides said it was a nice house, or what did he say about it?

A. He said it was a nice house, and she would treat us like a mother if we would go there.

Q. In the presence of Miss Hoke?

A. Yes, sir.

Q. In the general conversation?

A. Yes, sir.

Q. That was all he said about your coming here?

A. Yes, sir.

Q. He had not said anything to you before Miss Effie Hoke came?

A. No, sir.

Q. It was after she had told you that he said that?

A. Yes, sir.

Q. That was during the general conversation, while you were all drinking?

A. Yes, sir.

Q. Then he afterwards told you for you to get some money from her, whatever it was, because you might not find the place as nice as you thought it was and might want to come back, and if you did want to come back you could write to him and he would send you the money to come back. He did tell you that?

A. Yes, sir.

Q. Did you write to him?

A. Yes, sir.

Q. When?

A. I wrote one letter and Miss Effie or some of the

girls tore it up, and I wrote another and he never did answer it.

Q. Do you know if he received it?

A. No, sir; I wrote it.

Q. Did you mail it yourself?

A. Yes, sir.

Q. Where?

A. At the office.

Q. Where did you address it?

A. At his cafe.

Q. What did you tell him?

A. That I did not like the place and wanted to get out of it, and wanted him to send me the money to come back; that it was a different place from what I thought it was, and for him to send me the money to come home.

Q. Do you remember when it was you wrote that letter; was it the day you left the house or a day or two before?

A. It was at Miss Effie's house.

Q. How long was that before you left Miss Effie's house?

A. I wrote this letter about four days after I got to Miss Effie's house.

Q. Which was the letter torn up?

A. Three days after I got there I wrote a letter to Mr. Economides and had it on the dresser and went back to the room and it was torn up, and I wrote another one on the fourth day and mailed it.

Q. Where did you mail it?

A. Right here.

Q. You told him it was a different house from what you expected it to be, and to send you the money, you wanted to come home?

A. Yes, sir.

Q. That was four days after you got there?

A. Yes, sir.

Q. You stated that you don't remember how many drinks you had?

A. No, sir.

Q. Now, is it not a fact that you are rather hazy about the conversation you had there in this place of Mr. Economides'?

A. I was so intoxicated I didn't know what was going on.

Q. That was not the first time you ever drank?

A. Yes, sir; the first time I ever drank highballs and cocktails.

Q. What had you been in the habit of drinking?

A. Beer.

Q. Had you not been in the habit of going in saloons with different people drinking there?

A. Once in a while I would go to a saloon and take a glass of beer and a sandwich.

Q. Were you not in the habit of going to these places at all hours of the night, and drinking?

A. No, sir.

Q. Do you know Billie Seebold?

A. Yes, sir.

Q. Had you not gone to his place at night and drank?

A. Yes, sir; once or twice about 9 or 10 o'clock.

Q. Were you not in the habit of going there three or four evenings in the week and drinking and meeting different men there?

A. No, sir.

Q. And drinking with different men in that saloon?

A. Some friends would go with us there; I was not in the habit of meeting people there.

Q. Different friends would go with you at different times?

A. Yes, sir; we would go at respectable hours, 10, 11 or 12 o'clock.

Q. Were you boarding at Mrs. Grinage's at the time you left?

A. Yes, sir.

Q. What time did you generally come in at night?

A. Ten or eleven.

Q. As a rule, you did not come in until halfpast 12 or 1 or 2 o'clock in the morning?

A. No, sir, that is not true; we would have friends come and take us to the show.

Q. You were working at her place?

A. Yes, sir.

Q. You are certain you used to live there and go to work at 8 o'clock and not at 1 or 2 o'clock in the afternoon?

A. No, sir.

Q. Didn't you use to leave there at 1 or 2 o'clock in the afternoon, when you got up?

A. No, sir; we would leave there about 7:30 in the morning to go to work.

Q. Before Miss Effie Hoke came, you had ten or twelve drinks?

A. Yes, sir.

Q. How many drinks you had after she came you don't know?

A. No, sir.

Q. Do you mean to tell us that your mind is in condition to remember the conversation you had there?

A. Yes, sir.

Q. After all you drank, you can remember what took place?

A. I remember everything while Mr. Economides and sister and I were drinking; after we had so many drinks, I don't remember anything.

Q. The conversation you say Mr. Economides had with you when he said it was a nice place, and that she would treat you like a mother, that took place after Miss Effie Hoke got there?

A. Yes, sir.

Q. Do you mean to tell me you can remember that?

A. Yes, sir.

Q. After all the drinks you had, you can remember that?

A. Yes, sir.

Q. Do you remember what you said about going?

A. I didn't want to go at first, and she said "It is a nice place and the trip will do you good." She said to send for my sister, and I said "I don't want to send for her," and she put fifty cents on the table and said "Go after your little sister."

Q. Didn't you start the conversation by wanting to leave New Orleans?

A. No, sir.

Q. You can remember that, after all the drinks you had?

A. Yes, sir.

Q. You remember that Mr. Economides told you you might not like the place, and had better make arrangements if you did not like it to come back?

A. Yes, sir.

Questioned by Mr. Greer:

Q. I want to see if I understood you correctly. You stated that on the morning of your arrival at Beaumont, when you got to this house you were there informed or discovered the character of the house?

A. Yes, sir.

Q. Is that correct?

A. Yes, sir.

Q. At that time did you and your sisters talk it over as to the character of the house?

A. Yes, sir.

Q. So all three of you knew it at that time?

A. Yes, sir; we all three wanted to leave.

CROSS-EXAMINATION BY DEFENDANT,
EFFIE HOKE.

Questioned by Mr. Howth.

Q. At the time you left New Orleans you didn't know what kind of house you were going to?

A. No, sir.

Q. You tell the jury on your oath that when you left New Orleans you had no idea what kind of place you were going to?

A. Yes, sir.

Q. Is that as true as the balance of your testimony?

A. Yes, sir.

Q. Why is it you strongly objected to your little sister, Gertrude, going along?

A. She was staying with my aunt, and she wanted to be on the go somewhere to the shows or somewhere, and I wanted her to stay at my aunt's.

Q. Is that the only reason you didn't want Gertrude to go along?

A. Yes, sir; that she was young and foolish, and my aunt could do more with her.

Q. The only reason was because she was staying with your aunt?

A. Yes, sir.

Q. It was not because you didn't want her to go into a house of prostitution?

A. I didn't know the kind of house I was going into.

Q. You thought she was running a train school for young ladies?

A. No, sir; she said a private boarding house.

Q. Did she tell you she was going to bring you there and board and clothe you and take care of you?

A. She says: "If you stay here and work for \$5 a week you will never have any decent clothes or diamonds or anything," and she says: "Over there the salesgirls, the working girls, make a good salary."

Q. Did you tell anyone when Effie was trying to get you to come to Beaumont that she told you you ought to go and live in a house of prostitution and apply the vocation of a prostitute, because working girls were not as much respected as sporting girls and did not have diamonds and dress as well; did you ever make that statement to anyone that working girls were not as much respected as sporting girls, and did not have the fine clothes and diamonds that sporting girls had?

A. No, sir; I did not.

Q. You knew Pauline Wilson at that time, didn't you?

A. Yes, sir.

Q. How many times had you met Pauline before that?

A. Yes, sir.

Q. How many times?

A. About three times.

Q. Where did you meet her.

A. At Economides' place.

Q. You knew she ran an assignation house?

A. Yes, sir.

Q. You met her before that and drank with her?

A. No, sir; I didn't drink with her.

Q. You were always friendly with her when you met her?

A. I never had much to say to her; just pass the time of day and pass on.

Q. You knew she frequented that place at the time you did?

A. Yes, sir.

Q. You met her?

A. Yes, sir.

Q. You came back time and time again, knowing you might meet her?

A. I didn't care anything about it.

Q. The fact when you decided to go to Economides' at these various occasions that you might meet Pauline never feased you a bit, did it?

A. No, sir.

Q. You say that never deterred you from going, did it?

A. No, sir.

Q. You did not object to meeting and associating with ladies that kept assignation houses?

A. I don't remember associating with any.

Q. You there met her; you were there in the saloon where she was and you didn't object to that, did you?

A. The first time I ever met her——

Q. Answer the question: You never objected to associating with her and being around where she was?

A. No, sir.

Q. Isn't it a fact that you used to visit Pauline's assignation house, and that is where you met Pauline?

A. No, sir.

Q. Do you state to the jury, on your oath, and is it as true as all your testimony, that you never visited Pauline's place and that you never met men there for that purpose?

A. No, sir.

Q. Did you ever visit any assignation house in New Orleans before you met Pauline?

A. No, sir.

Q. Did you after you met Pauline?

A. No, sir.

Q. You did not?

A. No, sir.

Q. Where did you go for that purpose?

A. I didn't go anywhere to meet men.

Q. You didn't go anywhere?

A. No, sir.

Q. You had some place where you met your friends?

A. They came to see me. I had a friend at the hotel

Q. You would go to the hotel to meet your gentleman friend?

A. Yes, sir.

Q. Your place of assignation in New Orleans was at a hotel?

A. I had that friend.

Q. Is it correct that your place of assignation was a hotel?

A. Yes, sir.

Q. What hotel?

A. The St. Charles.

Q. What other hotel?

A. I had just one friend at the St. Charles Hotel.

Q. That is where you met your friend?

A. Yes, sir.

Q. You knew the keepers of the assignation houses in New Orleans?

A. Yes, sir; some of them.

Q. Give us the names of the different ladies in New Orleans that run assignation houses; tell us the names of all you can now remember?

A. Miss Pauline and Carrie Bryant.

Q. You had known Pauline a year?

A. No, sir; not over four months.

Q. You had known her four months before you came to Beaumont?

A. Yes, sir.

Q. How long had you known Carrie Bryant?

A. About the same time.

Q. She runs an assignation house?

A. Yes, sir.

Q. Where did you meet her?

A. At Billie Seebold's.

Q. What kind of place does he run?

A. Private wine rooms?

Q. How often had you visited Billie Seebold's place?

A. Maybe once or twice a month.

Q. Did you meet the same friend at Billie Seebold's place that you slept with at the St. Charles Hotel?

A. No, sir.

Q. You met different men?

A. I didn't go there to meet men.

Q. You did meet them there?

A. We didn't go there and drink with men.

Q. You did not go there to meet any particular men you knew, but when you would go there you would meet men?

A. Yes, sir; sometimes there would be men there.

Q. You knew that men haunted those places for the purpose of meeting girls, and that girls went there to meet the men?

A. Some girls go there for that purpose and some to drink.

Q. When you went there you knew you would likely meet some men there?

A. Yes, sir.

Q. Did you go there to drink or meet men, or both?

A. We went there to drink; sometimes we would get a dozen girls and go there and drink and talk and laugh and go to the picture shows.

Q. Would you be introduced to the men you would drink with?

A. Yes, sir.

Q. Sometimes you would drink with them after being introduced?

A. No, sir.

Q. Who would introduce them?

A. Maybe there would be a friend in the crowd that knew a man friend in the crowd, and we would be introduced that way.

Q. You would be introduced in the wine room?

A. Yes, sir.

Q. It was the habit of the frequenters of the wine rooms to introduce each other, so that everybody in the wine room would become acquainted?

A. Yes, sir.

Q. That was the universal habit in all the wine rooms in New Orleans?

A. Yes, sir.

Q. It was the habit?

A. Yes, sir.

Q. Now, what other wine rooms in New Orleans did you frequent?

A. Billie Seebold's and Economides' is all.

Q. Do you know Jack Robertson's place, called the Hay Market?

A. Yes, sir.

Q. You have been there?

A. No, sir; I have passed there.

Q. You have never been to Jack's place?

A. No, sir.

Q. Have you been to Orchard's wine room in New Orleans?

A. No, sir.

Q. Do you know the keepers of any other assignation houses in New Orleans except Pauline and Carrie Bryant?

A. No, sir.

Q. Where did you meet Carrie Bryant?

A. At Billie Seebold's.

Q. Your sister would go on these trips with you?

A. Yes, sir; Florence, the oldest one.

Q. And Gertrude?

A. No, sir; Gertrude stayed with my aunt.

Q. There were three sisters—Florence, Gertrude and Annette, yourself.

A. Yes, sir.

Q. Did you stay in New Orleans at any time without working for anyone?

A. Yes, sir; I stayed with my aunt.

Q. What is your aunt's name?

A. Mandy Baden.

Q. Why does it take you so long to think of her name?

A. I don't want to give her name out.

Q. Mandy Baden?

A. Yes, sir.

Q. Where does she live?

A. On Tulane Avenue.

Q. Any other place; think for a long time and see if you can think of your aunt's address?

A. I can not think of the address right now; it is on Tulane and Banks.

Q. Is it possible you lived at your aunt's house and don't know her address?

A. It is on Tulane and Banks, I don't remember the number.

Q. How long did you live there?

A. I guess about three months.

Q. What three months did you live there; during what three months?

A. After I quit working at Maison-Blanche.

Q. Was it July, August, January, February or March?

A. I went to New Orleans two years ago in June.

Q. You can not tell us what three months you stayed at your aunt's house?

A. December, January and February.

Q. What year?

A. 1910.

Q. What does your aunt's husband do?

A. He is a carpenter.

Q. What is his name?

A. J. G. Baden, John Baden.

Q. What is his middle name, what is the G. for?

A. John Gauley.

Q. How old a man is he?

A. About 26.

Q. How old is Mandy Baden?

A. 23.

Q. She is your aunt?

A. Yes sir.

Q. Your mother's sister?

A. No sir, J. G. Baden is my father's brother.

Q. J. G. Baden is your father's brother?

A. Yes sir.

Q. Baden is not your real name is it?

A. Yes sir.

Q. Isn't that just one of your stage names?

A. When I came to Texas I went by the name of Hays.

Q. Did you travel by the name of Hays in New Orleans?

A. No sir.

Q. Did you ever tell anyone in New Orleans your name was Hays?

A. No sir.

Q. Is your name Jerdone?

A. No sir.

Q. Did you ever go by that name at any time?

A. No sir.

Q. At any place?

A. No sir.

Q. How long has Mr. Baden lived in New Orleans?

A. He moved there about three years ago from Tennessee.

Q. What place in Tennessee?

A. I think it was South Second Howard Avenue.

Q. Does he live close in town?

A. No sir, that is away out.

Q. How far out in town?

A. I don't know exactly, about thirty blocks out of town.

Q. Did they have street cars running from the Baden home to where you were working?

A. Yes sir.

Q. How long would it take a street car to go from Baden's house to the business part of New Orleans?

- A. Two minutes.
- Q. Did they have any children?
- A. Yes sir, two.
- Q. Little children?
- A. Yes sir.
- Q. They were fond of you?
- A. Yes sir.
- Q. You liked them and liked to be with them?
- A. Yes sir.
- Q. You lived in that city two years and only lived with them three months?
- A. Yes sir.
- Q. You never had any falling out of any sort?
- A. No sir.
- Q. They lived close enough in town to enable you to live with them and go to your work?
- A. Yes sir.
- Q. Why didn't you stay with them?
- A. I got tired.
- Q. You had to be good when you stayed out there, and that didn't suit you, did it?
- A. I was just like I always was. I was just as good as when I stayed there.
- Q. You didn't like to stay at Baden's house because you could not sport around and stay up until two or three o'clock in the morning and go to assignation houses?
- A. No sir, because sister Gertrude wanted to stay there, and I knew it would be too much for both of us to impose on my aunt and I left.
- Q. You could pay your aunt as much board as anybody else?
- A. Yes sir.
- Q. Is that the only reason you left your aunt's?
- A. Yes sir.
- Q. Because your sister came there to live also?
- A. Yes sir.

Q. When did Gertrude come to live in New Orleans?

A. Six or seven months ago.

Q. You lived there in December, January and February?

A. Yes sir.

Q. You lived in that city a year before you went out to live at your aunt's?

A. Yes sir.

Q. And then lived there three months and left, and then you stayed in that city how long after leaving your aunt's and between the time you left your aunt's and the time you came to Beaumont?

A. I don't know exactly.

Q. Did you have a venereal disease when you came here?

A. No sir.

Q. Which one of your sisters had it?

A. None of them.

Q. Are you sure of that?

A. Yes sir.

Q. Don't you know that Dr. Reagan treated you, one of you, as soon as you got to the house?

A. No sir, there was no doctor in the house.

Q. Did you go to his office for treatment?

A. No sir.

Q. Did you have that disease?

A. No sir.

Q. Never have had it?

A. No sir.

Q. How long had you been meeting men at hotels for assignation purposes in New Orleans; how long had you been doing that?

A. About eight months.

Q. Eight months before you came to Beaumont you had been doing that?

A. Yes sir.

Q. Did you get pay for it; did you receive money for it?

A. Yes sir, sometimes.

Q. Didn't you get pay for it?

A. Yes sir, sometimes.

Q. Sometimes they would pay you and sometimes they would fail to pay you?

A. Yes sir.

Q. Is that correct?

A. Yes sir.

Q. Sometimes the men you would meet at hotels and stay with for prostitution purposes would pay you, and sometimes they would not pay you?

A. Yes sir.

Q. The reason you met them there was to get the money, is that the reason?

A. No sir.

Q. Was it because you liked to go for that purpose?

A. We would have a drink and talk.

Q. Did you go to these hotels where you met men for the purpose of getting a drink, or go there for assignation purposes?

A. Half of the time we would have lunch together and drink.

Q. That is a mere incident; I speak of the money for which you would go to the hotel to meet these men?

A. I had plenty of friends there.

Q. I am trying to find out the object; did you go there because you liked to do those things, or go there for the money that was in it, or both?

A. Plenty of times I would go there just for past-time and to drink and eat.

Q. You did those things for past-time?

A. Yes sir.

Q. Time was hanging heavy on your hands?

A. I would get off from work and go and have lunch and have drinks.

Q. You would feel lonesome and want something to do to pass away the time?

A. Yes sir.

Q. And go to the hotel and meet men and sleep with them?

A. Sometimes I would, yes sir.

Q. Is it not a fact that you stayed in the hotels and assignation houses and walked the streets and were known as a street-walker and frequented assignation houses and met any and all men that wanted to meet you, and stayed with them for money and made that your business in that city?

A. No sir.

Q. Is not that a fact?

A. No sir.

Q. How much money did the men there generally pay you for the use of your person?

A. I think \$5.00 or \$10.00.

Q. Is it not a fact that they never paid you at any time over a dollar in that city?

Mr. Dailey: I object to that evidence. I think it is going too far.

Objection sustained.

Defendant except.

Q. Is it not a fact that you heard that girls in Beaumont got more pay than in New Orleans?

A. Yes sir, more money to be made in Beaumont.

Q. More money to be made in the sporting business in Beaumont than in New Orleans?

A. No sir.

Q. More money to be made at what?

A. More money here.

Q. In what line of business did you hear there was more money to be made here?

A. Girls and men could make more money here than

in Louisiana and salesladies could get \$10.00 or \$15.00 a week.

Q. Did you ever hear that girls in the sporting business got more money here than over there?

A. No sir.

Q. Now, those wine rooms and hotels that you went to, did your sister Florence go with you?

A. Sometimes.

Q. She is younger than you?

A. Yes sir.

Q. How old is she?

A. A year and nine months younger than I am.

Q. You are how old?

A. 20.

Q. How old is Gertrude?

A. A year and nine months younger than Florence; she is 17.

Q. All three of you girls are full sisters?

A. Yes sir.

Q. The same mother and the same father?

A. Yes sir.

Q. Is it not a fact that Gertrude is no relation to you.

A. No sir.

Q. Isn't it a fact that she is not your sister?

A. She is my sister.

Q. Did you ever tell Mrs. Grinage she was not your sister?

A. No sir.

Q. Ouida Landry, what is her name?

A. Halcomb.

Q. Is she any relation to you?

A. No sir.

Q. Did she come over with you at the time you came?

A. No sir.

Q. She was already here?

A. Yes sir.

Q. Did you know her over there?

A. Yes sir.

Q. Was she a working girl?

A. She did work awhile.

Q. How long did she work?

A. Now and then; she would work a month and quit a month; she said she would work any time she got ready; she would work a month and quit. She stayed at an assignation house all the time.

Q. A sporting house, was it not?

A. A private assignation house.

Q. Just a private assignation house?

A. Yes sir.

Q. A private place for friends and strangers?

A. Yes sir.

Q. You knew Ouida over there?

A. Yes sir.

Q. How did you get acquainted with her?

A. I met her at Billie Seebold's at the time I met Carrie Bryant.

Q. What is the name of the other girl?

A. Theresa.

Q. You knew her over there?

A. No sir, I did not.

Q. When was it you got acquainted with her?

A. The first time I ever saw her was that night at Miss Pauline's.

Q. Did you know any other sporting women?

A. No sir.

Q. You didn't.

A. No sir.

Q. Ouida is the only one you knew over there?

A. Yes sir.

Q. I will ask you if it is not a fact that you and Ouida used to solicit men to stay with you; if you did not hang around the depot—

Mr. Dailey objects as irrelevant and immaterial.

Objection sustained.

Mr. Howth: We except to the ruling of the court in refusing to permit us to ask this witness if she did not in company with Ouida Landry, in the City of New Orleans, prior to coming to Beaumont, engage in the business of soliciting the patronage of men for the purpose of prostitution, and if she did not follow that vocation around the passenger depot and on the streets.

Q. You say you came here, and as soon as you got in the house Ouida Landry told you that you were in a sporting house?

A. Yes sir.

Q. She was the first one that spoke and said, "Annette, do you know you are in a sporting house?"

A. Yes sir.

Q. What was it you said?

A. I said that Miss Effie said it was a private boarding house.

Q. Why didn't you get right up and go?

A. I went down and told Miss Effie I didn't want to stay there, and she said, you owe me, Annette, and can not leave until you pay me." I did that after she came the next morning.

Q. She didn't come over with you?

A. No sir.

Q. How long was it before she got here?

A. We came that morning and she came the next morning.

Q. When you found out it was not a sporting house Effie was not there to keep you there?

A. No sir.

Q. There was nothing to prevent your leaving that house?

A. We went and talked it over with the girl she had for a house-keeper.

Q. You say you got here that morning and as soon as you got in the house Ouida Landry told you you were in a sporting house, and you didn't know you were com-

ing to a sporting house, and didn't want to go to a sporting house,—was there anything in the world that prevented your leaving the house immediately?

A. I talked it over with the house-keeper and she said I would be arrested. I told this girl I would not stay, and she said "If you take your grip, I will 'phone for an officer." That was Lucile.

Q. Who is Lucile?

A. She is Pauline Wilson's daughter.

Q. Lucile is not here?

A. No sir, but she was.

Q. You know she is not here?

A. No sir, she is not.

Q. Where is Lucile?

A. Miss Pauline told me yesterday she was in Chicago.

Q. Now, I am asking you if there was anything to prevent your leaving the Monday after you got in the house and found it was a sporting house?

A. Well, all us girls got together—

Q. Never mind that.

The Court: You answer his question and then if you want to make any explanation, you can make it.

Q. That Monday morning you got there and found it was a sporting house, was there anything in the world to prevent your leaving?

A. All the girls got together and said we would leave, and Lucile said, "I will 'phone an officer and you will be arrested; you owe Miss Effie this bill, and this six dollars and you will be arrested."

Q. Do you know how she found out you owed Effie a bill?

A. We told her who paid our way over here and Theresa told her Effie paid our way over here.

Q. You had not told her about the six dollars Effie claimed you owed Economides?

A. I told her Economides wanted us to tell Effie we owed six dollars.

Q. You told Lucile that?

A. Yes sir.

Q. You told her you owed Effie this \$8.35?

A. Yes sir.

Q. Was there anything in the fact that you owed her a little why you could not leave there; did that prevent your leaving?

A. Yes sir, she said we would get arrested and get into trouble, and I said I would stay and see her.

Q. Didn't you know they could not arrest you for a debt?

A. I didn't know.

Q. Did you take any pains to find out about that?

A. I could not find out from anyone.

Q. Did you try?

A. No sir.

Q. Did you ask anyone?

A. No sir.

Q. Whether they could keep you there and put you in jail because you owed a debt?

A. I asked Ouida, and she said she thought they could.

Q. Did you ask anybody else?

A. No sir.

Q. You have been to school?

A. Yes sir.

Q. How long did you go to school?

A. From the time I was six until I was eighteen.

Q. You went to school twelve years?

A. Yes sir.

Q. You have been around the country some?

A. Yes sir.

Q. You have been to St. Louis, have you?

A. No sir.

Q. To Chicago?

A. No sir, I never was out of Louisiana until I came to Texas.

Q. Have you been to Shreveport?

A. No sir, just my home town and New Orleans.

Q. How big is your home town?

A. I don't know exactly, I guess about five thousand.

Q. You went to New Orleans and worked in different stores there?

A. Yes sir.

Q. And went to Pass Christian?

A. Yes sir.

Q. Who did you stay with there?

A. My aunt, Mrs. W. T. Richardson.

Q. Didn't you say, in your direct examination, that when you got to Effie's house and was informed it was a sporting house, or a house of prostitution that you want to go back a couple of days after you got there?

A. Yes sir.

Q. A couple of days after you got there?

A. Yes sir.

Q. It took you two days to make up your mind you wanted to leave after you found it was a sporting house?

A. I wanted to leave the first day.

Q. Didn't you on your direct examination say you found it was a sporting house as soon as you got there, and a couple of days after you wanted to leave, after that?

A. I wanted to leave right then and then in a couple of days I wrote Conomides to send me money.

Q. Did you say on your direct examination that you found it was a sporting house as soon as you got there, and a couple of days after that you wanted to leave?

A. Yes sir.

Q. Now, is it not a fact that when you all got there you did not have many clothes and times had been rather hard in New Orleans; that is true, is it not?

A. We just had a suit case. My trunk was at my aunt's.

Q. Times had been rather hard with you. You were poorly clad and did not have many clothes?

A. They were not fine, no sir; just plain clothes.

Q. Is it not a fact that the morning Effie got there she sent Lucile to Jones' place, the Fashion, and got you a lot of clothes?

A. Yes sir.

Q. How many dresses did she buy you?

A. She just bought some underwear.

Q. Did she buy you some shoes?

A. No sir.

Q. Hats?

A. No sir.

Q. Didn't she buy you any hats?

A. No sir.

Q. Nor dresses.

A. No sir. The only things she bought was a little underwear that came to six dollars.

Q. How long was it after you came here that you tried to get away and take the clothes she had bought for you and had not paid for?

A. Not quite two weeks.

Q. You still owed her for the clothing she had bought you, didn't you?

A. No sir.

Q. Isn't that true?

A. No sir.

Q. You were owing her a board bill?

A. I owed her ten dollars and paid it.

Q. Didn't you owe her money?

A. No sir.

Q. Isn't it true that you tried to leave early in the morning before she was awake, and beat her out of the money you owed her?

A. No sir.

Q. Did you ever tell anyone you tried to slip out of

the house while she was asleep to avoid paying the debt you owed her?

A. No sir.

Q. And that she caught you in the act of doing it and had you arrested?

A. No sir.

Q. And that that made you mad and you swore vengeance against her?

A. No sir.

Q. Is it not a fact that you tried to slip out of the house while she was asleep to avoid the payment of the debt which you owed her?

A. No sir.

Q. What was the object in slipping out of the house while she was asleep?

A. I didn't get out. I owed her ten dollars and paid it.

Q. Did you not make arrangements to slip out of the house while she was asleep to avoid the payment of your debt?

A. No sir; we wanted to get out but we did not owe her. I paid her ten dollars, but she said I didn't.

Q. You had made arrangements to slip out in the early morning?

A. Yes sir.

Q. To avoid the payment of the debt she claimed you owed her?

A. Yes sir.

Q. The other two girls had made their escape and the hack driver came back to get you when she was aroused?

A. Yes sir.

Q. You never told anybody about her trying to persuade you to come to Beaumont until she caught you with the goods trying to get away early in the morning?

A. No sir, I told a couple of fellows.

Q. Give us their names?

A. They were strangers, I didn't know them.

Q. Give us the name of any person you told that?

A. They would not want me to give their names.

Q. No matter whether they want you to or not; just give their names?

A. One was Collins.

Q. What Collins?

A. I don't know his other name. He works for his father in some office.

Q. When did you tell him about that?

A. Three or four days after I got here.

Q. Who else did you tell?

A. Preston from Sour Lake; that is his last name.

Q. What kind of looking man is he?

A. He is about 22.

Q. Did you tell anyone else?

A. I told strangers, but I don't know their names.

Q. You never applied to the authorities and told them about it, did you, the County Attorney or the Sheriff?

A. No sir.

Q. You never went to the County Attorney, Justice of the Peace, Mayor or Sheriff and told them anything about it until after Effie had you arrested for stealing your clothes away?

A. No sir.

Q. You never did?

A. No sir.

Q. The reason you told on her was because you were mad at her for stopping you from going, isn't that true; you got mad at her and that was the reason?

A. I went to the court house with Ouida and my sister.

Q. You never told this instance to any officer before?

A. No sir.

Q. Now, I will ask you if you did not tell it to the officers because you were angry with Effie?

A. No sir, I was not angry with Effie; I went to the court house with Ouida and my sister; I was not angry.

Q. That did not make you angry at all?

A. No sir.

Q. I understood you to say that you stayed at Economides and drank mixed drinks until you got in the taxicab and went to Economides' place and then went directly to the depot?

A. Yes sir.

Q. Are you as sure of that as everything else you have testified to?

A. Yes sir.

Q. Where did you get the suit case you brought over here?

A. It was mine.

Q. Where did you get it?

A. I sent my suit case that Sunday afternoon,—it was too late to go to my boarding house,—and I sent my suit case down to Anna's, and I went to get my suit case Monday evening when I passed Economides; I had started to the house to get it when I passed Economides. I went to the theatre Sunday evening.

Q. You got to the city Sunday evening?

A. Yes sir.

Q. Instead of going home you went to the theatre?

A. Yes sir.

Q. Where did you leave your suit case?

A. I left it at Anna's house.

Q. Where did she live; how far from the depot?

A. Not many blocks.

Q. Did Anna live closer in than you?

A. Yes sir, in a half block of Economides.

Q. That is a sporting neighborhood where you left that suit case when you came in?

A. It is a private assignation house.

Q. When you got in that Sunday afternoon, you went to an assignation house and left your suit case there?

A. Yes sir, left it there.

Q. You got off at the depot fresh from the country; you had been to the country?

A. Yes sir.

Q. You had been out to visit your aunt in the country?

A. Yes sir.

Q. You had been out there two or three weeks and came back into the big city and went straight to the assignation house with your suit case?

A. No sir, I sent the suit case down there.

Q. You sent it there and then you went to the theatre?

A. Yes sir.

Q. Who did you go to the theatre with, did you go with Ouida?

A. No. sir.

Q. Did you go with Anna?

A. No sir, I went with Florence.

Q. Did you not say in your examination that the only assignation houses you knew anything about were Carrie Bryant's and Pauline Wilson's?

A. She was a girl.

Q. Didn't you say the only ones you knew of were Carrie Bryant's and Pauline Wilson?

A. Yes sir.

Q. Now, we find you knew about another place?

A. I did not know the landlady at that place; I knew the girl Anna.

Q. You knew the woman who ran that place?

A. No sir, I did not know her; I knew the girl, Anna.

Q. Did Ouida live at that place?

A. Yes sir, at one time.

Q. Was Anna just one of the girls that stayed at that place or did she run the place?

A. She was a girl that stayed there.

Q. Did you leave the suit case there because Ouida stayed there?

A. Yes sir, I knew Ouida and sent the suit case there by a little boy.

Q. You don't know the name of the person that ran that place?

A. No sir.

Q. It was not run by Pauline or Carrie Bryant?

A. No sir.

Q. You knew it was an assignation house?

A. Yes sir.

Q. Did your sister Florence meet you at the train that night?

A. Yes sir.

Q. What time did the train come in?

A. Eight o'clock.

Q. What train did you come into the city on?

A. I forget the railroad now.

Q. You don't know the railroad?

A. No sir.

Q. You got there at eight and your sister met you?

A. Yes sir.

Q. Did you telephone her to meet you?

A. Yes sir, I 'phoned her and told her I was coming back and to meet me at the train.

Q. Who suggested going to the theatre?

A. I did, on the train.

Q. Was she on the train with you?

A. No sir, I had a friend on the train with me from this town.

Q. You had a gentleman friend with you?

A. Yes sir.

Q. After you went to the theatre you went to the wine room and had lunch?

A. No sir; we left the theatre and went to the boarding house a block from Mr. Economides and stayed there, sister Florence and I.

Q. What became of your friend?

A. We left him.

Q. You did not go to the assignation house where you sent your grip?

A. No sir, I went to a boarding house.

Q. You left your grip at an assignation house?

A. Yes sir.

Q. Why didn't you send your grip where you were going to stay all night that night?

A. I didn't want to go to Mrs. Grinage's; she always got angry if we got in at 11:30 or 12:00 o'clock, and did not know exactly where to stay.

Q. Were you staying at Mrs. Grinage's at that time?

A. When I left for the country I was.

Q. When you got back from the country you were staying at Mrs. Grinage's?

A. Yes sir.

Q. You tell the jury that you were at her house in November, 1910?

A. Yes sir.

Q. Why didn't you send your grip to her house straight from the depot?

A. I didn't like her and I was not going back; when we would come in at 11 o'clock she would always have something to say.

Q. Did you know about this boarding house where you stayed all night at the time you got off the train?

A. Yes sir.

Q. Why didn't you send your grip to that boarding house?

A. I didn't know exactly where I was going to stay.

Q. You had an idea you would stay at the assignation house and sent your grip there for that reason?

A. No sir, I was not going to stay there; I thought I would go to the hotel; I told my sister we would go to the boarding house.

Q. Did you work the next day, Monday?

A. No sir.

Q. What time did you get up the next day?

A. I don't know; it was about 12 o'clock.

Q. About 12 o'clock?

A. Yes sir.

Q. What did you do when you got up?

A. Taken in the picture shows and taken in the theatres.

Q. You went to the theatres and picture shows?

A. Yes sir.

Q. Did you go with anybody?

A. No sir, just Florence and I.

Q. Florence was not working?

A. No sir, not that day; she had to work that night as cashier at the Victor theatre.

Q. What street is that on?

A. Canal Street.

Q. Did you have any drinks that afternoon?

A. No sir.

Q. Where did you have supper after the theatre Sunday night?

A. We didn't have supper.

Q. Did you have any drinks?

A. No sir.

Q. Where did you leave Florence that night?

A. That night Florence did not go to work; she told them I was in town and she wanted to go to the show and another girl worked in her place.

Q. You and Florence went to the theatre Sunday night?

A. Yes sir.

Q. You went to the theatres the next day after 12 o'clock?

A. Yes sir.

Q. Where did you and Florence separate Monday afternoon?

A. We did not separate at all. I was passing Economides to go and get my grip and Florence was with me.

Q. What time did you start for your grip?

A. About five o'clock.

Q. You and Florence were going down to get your grip?

A. Yes sir.

Q. What time of day was it?

A. It was about a quarter of five, I guess.

Q. How far is it from Pass Christian to New Orleans?

A. 65 miles.

Q. You had the same clothing on the next day that you were wearing the day before, and didn't have a change of clean clothes that night, and didn't have any the next day and walked around going to the theatre when your grip was in a half block of Economides' place, and in two blocks of Canal Street?

A. Yes sir, one block and a block from Canal Street.

Q. That is a main avenue or thoroughfare there?

A. Yes sir.

Q. You say it was about five o'clock when you passed Economides place?

Q. He sent for you to come back after you passed the place?

A. Yes sir.

Q. You had gotten by the place and he sent a boy and told you to come back and you came back yourself?

A. Yes sir.

Q. That is correct?

A. Yes sir.

Q. He told you he wanted you to meet a lady from Beaumont?

A. Yes sir.

Q. Florence was not there while you were drinking; she was not there until Pauline came?

A. Yes sir, she was.

Q. Where did Florence go in the meantime?

A. She said, "You can go back if you want to; it is time for me to go to the picture show." She looked up and saw the clock and said "It is time for me to go to work."

Q. When you got in the taxicab and went to Pauline's place and to the depot, you went by Anna's and got your grip?

A. Yes sir.

Q. Where did Florence go to get her grip?

A. She didn't have any grip.

Q. Gertrude didn't have a grip?

A. No sir.

Q. You were the only one that had a suit case?

A. Yes sir.

Q. Do you know whether Effie bought any clothing for the girls after they got here?

A. No sir, she never.

Q. You know she did not?

A. Yes sir.

Q. You are the only one she bought any clothes for?

A. Yes sir.

Q. Yet they came here without any at all?

A. We had enough underwear and a change of dresses in the suit case.

Q. All three of you?

A. Yes sir.

Q. Both of your sisters and yourself?

A. Yes sir.

Q. Now, I will ask you if it is not a fact that two or three weeks after you had gotten away and may be a month, you wanted to go back to New Orleans, and if Hazel Hoke, Effie's sister, did not tell you she would give you the money to pay your way back to New Orleans, if you wanted to go?

A. No sir.

Q. Is it not a fact that you have stated to Mr. Martin, a police officer, and to Effie Hoke and W. H. Huck and others, and in their presence and hearing that the reason you girls did this thing was to get even with Effie for having you arrested for trying to take your clothes away and beat her out of the debt you owed her?

A. No sir.

Q. Is it not a fact that Gertrude said in your presence that she did not want to bother Effie, that you girls were all sporting girls in New Orleans, but that you all were ribbed up, used the words "ribbed up" all the time?

A. No sir.

Q. Didn't you say that at Effie's saloon and at the corner across from Effie's house at Huck's saloon?

A. No sir.

Q. Didn't you make that statement immediately after the arrest?

A. Gertrude said she was 18 and wanted to stay there, is what the officers told me.

Q. Didn't you hear her also say that all you girls were sporting girls over there and came here because you understood there was more money to be made here, and came of your own free will?

A. Gertrude told the officer that; that is what Effie made her say; the officer told me that Gertrude told him that.

Q. Never mind what the officer told you; didn't you make this statement?

A. No sir.

Q. You left Effie's house shortly after you were arrested, did you not?

A. No sir.

Q. When did you leave there, just tell the jury when you left?

A. I left one evening, I don't remember the date.

Q. I mean permanently; when did you permanently leave her house?

A. I left to go to the office and she had me arrested for vagrancy and I never went back.

Q. Where did you go then?

A. To the Jefferson Hotel.

Q. What kind of place is that?

A. They knew we were coming there, and they told us we would have to keep quiet, that that was a decent hotel.

Q. Did the United Charities or Mothers' Club or any organization in Beaumont offer to pay your way back to your home?

A. No sir.

Q. Did they offer to take you out of the life you were leading if you wanted to get out of it?

A. No sir.

Q. Never tried to do it?

A. No sir.

Q. The matter had been given a great deal of notoriety at Beaumont?

A. Yes sir.

Q. Who paid your hotel bill at the Jefferson Hotel?

A. Ouida Landry.

Q. She had money?

A. Yes sir.

Q. How long did you stay there?

A. Four days, I believe.

Q. Where did you go from there?

A. To the Field's Hotel.

Q. How long did you stay at the Field's Hotel?

A. Two days.

Q. Where did you go to from there?

A. Houston.

Q. Where did you stay at Houston?

A. The Bristol Hotel.

Q. That is a high class, highly respectable hotel, the Bristol Hotel?

A. Yes sir.

Q. You paid your bills there?

A. Yes sir.

Q. How long did you stay there?

A. Three weeks.

Q. What did you do while you were at the Bristol Hotel?

A. Ouida met a friend and I met a friend. Ouida is well acquainted in Houston.

Q. She met a friend and introduced you to a friend and you acquired friends soon after you got there?

A. Yes sir.

Q. Florence and Gertrude were left behind?

A. Yes sir.

Q. Where did they go to?

A. We left them at the same hotel.

Q. They were at the Field's with you?

A. No sir, they were at the Jefferson. Gertrude was at Effie's when Ouida and I were at the Jefferson.

Q. Gertrude and Florence left Effie's house?

A. Yes sir.

Q. That was after Frank Townsend took them to some hotel.

A. I don't know the name of the hotel; he told us he did.

Q. Was it a sporting house or hotel?

A. He told us it was a decent hotel.

Q. Florence and Gertrude finally went back into a sporting house after staying out a month or two?

A. Yes sir.

Q. Now, at Houston you and Ouida were stopping at a first class hotel and made friends?

A. Yes sir.

Q. Where did you go after staying there three weeks?

A. These friends were going to Galveston on busi-

ness, and we went to Galveston and stopped at the Tremont.

Q. Registered as man and wife?

A. Yes sir.

Q. That is a decent hotel?

A. Yes sir.

Q. How long did you stay there?

A. About a week. I taken sick after being there a week and was going to the hospital so they said strangers in Galveston had to pay a dollar a day, and I didn't have any money, and my friend was going back to Houston, and when I found I could not get in the hospital I went to Helen Berry's.

Q. What sort of place is that?

A. Like Miss Effie's.

Q. A sporting house.

A. Yes sir.

Q. How long did you stay at Helen's place?

A. Two months and a half.

Q. Where did you go to from there?

A. I came here Sunday evening.

Q. You have been here ever since?

A. Yes sir.

Q. You went to Paris and testified before the grand jury?

A. No sir, I was sick in bed at the time.

Q. You have been in a sporting house in Galveston ever since until you came here to testify?

A. Yes sir.

RE-DIRECT EXAMINATION.

Questioned by Mr. Dailey:

Q. You were subpoenaed as a witness to appear before the United States grand jury?

A. Yes sir.

Q. You were too sick to go?

A. Yes sir.

Q. How long had you been sick?

A. Two months.

Q. How long had you been in bed?

A. Two months.

Q. At this woman's house in Galveston?

A. Yes sir.

Q. They asked you if the reason you got up this case against these parties was not because you were mad at Effie Hoke; have you ever made any complaint to the United States authorities about this case; did you ever know anything about this case before you were subpoenaed to Paris?

A. No sir.

Q. You made no complaint to any Federal official?

A. No sir.

Q. Made no statement to any of them?

A. No sir.

Q. You were not a virtuous woman before coming to Beaumont, were you?

A. No sir.

Q. You say that Economides gave your sister Florence fifty cents for car fare when she started to go for Gertrude?

A. No sir, Miss Effie gave her fifty cents to go for Gertrude.

Q. This woman Pauline, had you ever been in her house?

A. No sir.

Q. How long had you known Pauline?

A. About four months.

Q. Where did you meet Pauline?

A. At Economides.

Q. Who introduced you to Pauline?

A. Economides did.

Q. Did Economides ever try to get you to go and live with Pauline?

Mr. Howth objects as leading.

Objection overruled.

Defendants except.

The Witness: Yes sir.

Q. Now, what did he state on that occasion?

Mr. Howth: They have not stated any time and place.

The Witness: He introduced us to Miss Pauline.

Q. When was that, about what time?

A. About six or eight months ago.

Q. How long did you know her?

A. About six months before I came to Beaumont.

Q. Who were you talking to and where were you at the time the conversation took place?

A. In his wine room.

Q. Who was he talking to?

A. Florence and I and Miss Pauline.

Q. What was it he said?

A. He asked if we did not want to go to live with Miss Pauline, and we told him no we could not because our people were there, and they would find it out, and he said they would not find it out if we would be quiet.

Q. You told him your people were in New Orleans and they would find it out, and he said if you would live quietly there they would not find it out?

A. Yes sir.

Q. Anything else said in reference to that?

A. Florence went down there one day by herself and Economides told me afterwards of the conversation they had. I told him then that I did not want to go into any assignation house anyway, and in the first place my people would find it out, and there would be trouble, and he said he would pay Florence and my week's board in advance.

Q. He would pay your board a week in advance?

A. Yes sir. He said she would take care of us. Florence went down there by herself and he 'phoned for Miss Pauline, and he was talking to her that way; I was not there.

Mr. Luzenberg objects.

The Court: What she says she learned from some other source the jury will disregard.

Q. When you got to Beaumont and entered this house, what were your duties that morning when Effie got back?

A. She told us how to act; that we would go down in the parlor, and she told us we had to stay with different kinds of men, all men that came in.

Q. Did she tell you the price?

A. Yes sir, and said to get the pay in advance, make them pay in advance and turn all the money we made over to her.

Q. Did you have intercourse with the different men that came to the house?

A. She said we had to pay the debt.

Q. Did you have intercourse with the different men that came to the house and receive the pay for it?

A. Yes sir and turned it over to Miss Effie Hoke.

Q. What was done with all the money you received for your services?

Mr. Luzenberg objects as immaterial and irrelevant.

Objection sustained.

Mr. Howth: I will ask the Court to withdraw from the jury the statement of the witness that she gave the money to Miss Effie and that Miss Effie directed her to do that.

The Court: I will let that remain with the jury.

Both defendants except.

Questioned by Mr. Ownby:

Q. Miss Annette, Mr. Howth interrogated you at some length as to why you ran away from that house, and always in his question he asked if you did not run away from that house to beat your bill you owed for the clothes she bought you; did you run away from that house to beat any bill at all or not?

A. No sir, I didn't owe anything.

Q. You say you would give the money to her as you would make it?

A. Yes sir.

Q. How many clothes did she buy you and how would you make settlements?

A. She never bought any clothes at all, only six dollars; that is the only thing she ever spent.

Q. Would you turn the money over to her and then have disputes about it when you would pay her the money?

A. Yes sir.

Q. Tell about that?

A. Half the time she would be intoxicated and would not remember my turning the money in.

Q. She would say you didn't turn it in?

A. Yes sir, she would say we didn't do it; when I left there I didn't owe anything but ten dollars and I paid that a few nights before the girls wanted to leave. She was intoxicated and did not remember it.

Q. Why did you try to steal away; why didn't you just deliberately walk away; why were you trying to get out in that kind of way?

A. Ouida and my sister slipped out; I was not going to slip out; I just took my hat and walked out.

Q. Why did the other girls slip out?

A. Effie kept buying clothes for Ouida and she could not get out of it, and when I was out of debt and about fifteen dollars ahead, she sent and got a little old hat for me and charged me ten dollars for it. Peddlers

would come there and she would buy clothes, and we would go down stairs and she would say "Here are some clothes I bought for you" and charge us anything she wanted to.

Q. You were going to leave and the others slipped out?

A. Yes sir.

Q. You were not trying to slip away for the purpose of avoiding the payment of a debt?

A. No sir.

RE-CROSS EXAMINATION BY DEFENDANT
ECONOMIDES.

Questioned by Mr. Luzenberg:

Q. The Miss Wilson you speak of lives in New Orleans?

A. Yes sir.

Q. Do you know where her place was?

A. Yes sir.

Q. Was it an assignation house?

A. Yes sir.

Q. You said something about Mr. Economides telling you to go there?

A. Yes sir.

Q. How long was that before you met Miss Hoke?

A. About three months I believe.

Q. How did that come about?

A. We were there, and he said "Shucks, you all are just working yourselves to death for a little old five dollars a week, why don't you go down and stay at Miss Pauline's; she is along and would like to have girls there; go down and I will pay a week's board in advance for you."

Q. What time of night was that?

A. One evening about six-thirty.

Q. How late did you stay in his place that night?

A. I guess a half hour.

Q. You went there to drink?

We were sitting there talking and never drank. We went there to talk to Mr. Economides.

RE-CROSS EXAMINATION BY DEFENDANT EFFIE HOKE.

Questioned by Mr. Howth:

Q. How many times have you talked to Mr. Ownby and Mr. Dailey?

A. I have talked to them a good many times.

Q. How many times?

A. Three or four times; two or three at least.

Q. How long did you talk to them each time?

A. About a half hour I believe.

Q. You have talked to them altogether about an hour and a half; both of these gentlemen were together when you talked?

A. Sometimes one would be present and sometimes both.

Q. Were the other girls present when you talked to them?

A. Yes sir, once or twice.

Q. All the girls were present on one or two occasions when you talked to these gentlemen?

A. Yes sir.

Q. You went over with them what your testimony would be in the presence of the others?

A. Yes sir.

Q. That is a fact, is it not?

A. Yes sir.

FLORENCE BADEN (alias Hays) TESTIFIED FOR THE UNITED STATES AS FOLLOWS:

Questioned by Mr. Dailey:

Q. Do you know Annette Hays?

A. Yes sir.

Q. Is she your sister?

A. Yes sir.

Q. How old are you?

A. 18.

Q. Do you know Basile Economides?

A. Yes sir.

Q. Point him out?

A. There he is.

Q. Where were you living last November?

A. I was in Beaumont last November.

Q. When did you come to Beaumont?

A. About the 14th of November.

Q. Where were you living prior to that time?

A. I was living in New Orleans.

Q. Do you remember the day you left New Orleans?

A. Yes sir.

Q. Where had you been the week before that?

A. At Pass Christian.

Q. Who with?

A. My sister Annette.

Q. Did you see Economides the day you came to Beaumont?

A. Yes sir, I was at his place.

Q. When was the first time you saw him that day?

A. It was in the afternoon, two o'clock.

Q. Who were you with?

A. Annette.

Q. Where were you going?

A. I was going to work.

Q. Where were you working?

A. I was working in a moving picture show on Canal Street.

Q. Did you have any conversation with Economides that day?

A. Yes sir, we talked quite a while that day in the

afternoon. Annette was there first and afterwards I was there.

Q. You were going to your place of business?

A. Yes sir.

Q. How did you happen to meet Econoimdes that day?

A. We were passing there, Annette and myself, and he got Annette first, and I went to work and he got me afterwards.

Q. Did he say anything?

A. No sir, he just called us.

Q. Well, did you go back to where he was?

A. No sir, Annette went back.

Q. Where did you go?

A. I went on to work.

Q. Did you ever go back there that day?

A. Yes sir.

Q. How did you happen to go back there?

A. They sent for me and I went back.

Q. Who sent for you?

A. Economides.

Q. Who did he send?

Mr. Luzenberg objects.

The Court: I will permit her to state she got a message.

Objection withdrawn.

Q. You got a message through a boy?

A. Yes sir.

Q. What was it?

A. To come down to his place.

Q. Did you go there?

A. Yes sir, I went after a while.

Q. Who was there?

A. Annette and Economides.

Q. What was said there; just go ahead and tell everything that was said there by Economides and your

sister and everything that happened after you got there?

A. After we got there we had a drink on Effie and Economides. We had been drinking and he said he had a friend he wanted us to meet, and he 'phoned for Miss Effie and she came down there, and we all had a drink.

Q. That was Effie Hoke?

A. Yes sir, and then we had another with Economides. We were drinking beer at the time, and afterwards we had a mixed drink, and then Economides said we had another sister younger, and wanted us to get her and Effie said I could go get her and put car fare on the table, and I went after her.

Q. Was anything said before Effie got there?

A. No sir, not at all. Not until she got there.

Q. Was anything said after she got there about it?

A. Economides said he had a friend from Beaumont, a nice woman, and wanted us to meet her, and after she got there she went to telling us to come to Beaumont.

Q. Tell the Jury everything that you remember that both of them said in reference to coming to Beaumont, Effie and Economides?

A. Effie said she wanted us to come here; that she had a private house and wanted us three girls to come over, and Economides said yes, it was a nice place and he knew we would like it; that there was nothing in the jobs we had and to come here and we would make more money. Effie said that and Economides said he knew we would like it, and if we did not he would send us the money to come home on, and there was nothing more said.

Q. Who mentioned Gertrude first?

A. Economides.

Q. What did he say?

A. He said we had a younger sister and he wanted us to get her.

Q. Who was he talking to?

A. Effie and Annette and myself.

Q. He said you had a younger sister, and I want you to get her?

A. Yes sir, and Economides said "Florence will go and get her" so I went and got her .

Q. Effie furnished the money to pay the car fare?

A. Yes sir.

Q. How much?

A. Fifty cents.

Q. Did you go after Gertrude?

A. Yes sir.

Q. Where was she?

A. Up at my aunt's on Bank Street.

Q. What was she doing?

A. My aunt was not there and she was just finishing cleaning the kitchen. She was in the back part of the house cleaning the kitchen.

Q. Was she doing anything in the kitchen?

A. Yes sir, just finishing cleaning the kitchen.

Q. Where did you go?

A. I got her and went down to Economides place.

Q. You went back to Economides place?

A. Yes sir.

Q. Who was there when you got back?

A. Effie, Annette and Economides.

Q. What was said after you got there with your sister Gertrude?

A. Economides said "Here is the other sister I was telling you about; there are three of them; I want you all to go up there and you will have a good time and have something. You will not have anything with the little jobs you have got." He said "Here are the three sisters; this is the youngest one. You all go to Beaumont tonight, and if you don't like it better than New Orleans, and I know you will get better jobs there," and Effie told us to go, that she had a private house and we could get good jobs and all.

Q. You all had been drinking there?

A. Yes sir, we had been drinking.

Q. What time did you get back with Gertrude; about what time?

A. It was about four-thirty or five o'clock.

Q. Was it dark or not?

A. It was not dark when I went up there; it was near dark.

Q. How long did you stay there after Gertrude got there?

A. We stayed there a little while, about an hour.

Q. Where did you go from there?

A. To Pauline Wilson's.

Q. How did you go to Pauline Wilson's?

A. We went in a taxicab.

Q. Who called for it?

A. Mr. Economides.

Q. You three sisters went in the taxicab to Pauline Wilson's?

A. Yes sir.

Q. Where did Effie go?

A. She went first down to Miss Pauline's.

Q. Did she say anything when she left?

A. She said she would go to the house and fix things and told us to come after awhile, and we left a half hour after she went.

Q. Who was there when you got there?

A. Miss Effie and Pauline and Theresa.

Q. What is her other name?

A. Flood.

Q. How long did you stay at Pauline's house?

A. We stayed there about an hour; just time enough to get off.

Q. Tell what took place down there?

A. There was not anything; we had a few drinks with Effie and Pauline and dressed and went to the depot.

Q. Who dressed?

A. Just fixed our hair and things. We just had to fix our hair and fix up a little bit.

Q. Did you have a hat on when you went down there?

A. Yes sir.

Q. Did you wear the same hat to Beaumont?

A. Yes sir.

Q. Did Annette?

A. No sir. Annette had Miss Effie's hat and Gertrude had Miss Pauline's.

Q. Was there anything said about why they changed hats on that occasion?

A. They had on little hats and Effie wanted Annette to wear a big hat of hers, and said her's looked too childish or something of that kind, and Pauline said Gertrude's was, too, and Miss Pauline gave Gertrude a hat, and Effie gave Annette a hat.

Q. Who paid your way to Beaumont?

A. Miss Effie.

Q. Who bought the tickets?

A. Theresa.

Q. Do you know where Theresa got the money?

A. From Miss Effie.

Q. Did you see her get it?

A. Yes sir.

Q. Where did she get it?

A. She had some money, and she got the rest from Miss Pauline, forty or fifty dollars; it took that and she did not have enough and she got some from Miss Pauline.

Q. Where did she give Theresa the money?

A. At Miss Pauline's house.

Q. Who went to the depot together?

A. Theresa, Annette, Gertrude and myself.

Q. Where was Effie Hoke?

A. At Miss Pauline's; she said she would be over in a few days and come the next morning after we got here.

Q. Where did you take the train?

A. At the Union station.

Q. What time did the train leave New Orleans?

A. Nine-fifteen.

Q. Did you stay in the same car all the way to Beaumont?

A. Yes sir.

Q. What time did you reach Beaumont?

A. Seven-thirty I believe.

Q. Where did you go to after you got to Beaumont?

A. To Effie Hoke's.

Q. How did you go there?

A. Got a cab and went; we told them to take us there; we didn't know where it was.

Q. You didn't know where it was and got a cab and told them to take you to that place?

A. Yes sir.

Q. Did you know what kind of place you were going to?

A. No sir, I didn't know.

Q. What kind of place was Effie Hoke running?

A. Running a public house.

Q. A house of prostitution?

A. Yes sir.

Q. When did you find out what kind of house that was?

A. The same morning I got there.

Q. Who told you about it?

A. Ouida Landry.

Q. When did Effie Hoke come?

A. The next morning. We got there about seven o'clock and she came the next morning some time.

Q. Was anything said about wanting to go back to New Orleans after she came?

A. Yes sir, the next morning I wanted to come back, and I went down and she said we would not come or

could not go back to New Orleans until we paid the railroad fare, hack fare and everything like that.

Q. Anything else?

A. No sir, that was all.

Q. Railroad fare and hack fare?

A. Yes sir.

Q. Railroad fare from where?

A. New Orleans.

Q. You stayed there did you?

A. Yes sir, I stayed there.

Q. You lived as an inmate of the house of prostitution and applied your vocation there?

A. Yes sir.

Q. How long did you stay there?

A. Two weeks.

Q. How did you get away?

A. Got out one morning about five o'clock.

Q. Why did you leave at five o'clock in the morning?

A. I wanted to leave and Miss Effie had said if we tried to get out she would kill us, so I got out that morning while she was asleep.

Q. Did you leave?

A. Yes sir, we left; we wanted to go to Houston, but did not get our clothes so we could not go.

Q. Now you say you left the house at five o'clock in the morning?

A. Yes sir.

Mr. Luzenberg: We would like to make the same objection to this evidence on behalf of Mr. Economides.

Mr. Greer: Will the Court permit us to consider that our objection is urged at various stages, and that we may consider it as made without jumping up and interrupting the proceedings?

The Court: You can take exception to anything that occurred between Effie Hoke and this witness outside the presence of Economides.

Q. You left at five o'clock in the morning?

A. Yes sir.

Q. Who did you leave with?

A. Ouida Landry.

Q. Who else?

A. Paul something—Hanley, and Ouida Landry.

Q. Where did you go?

A. We went down to some hotel, down here, started to go, and a policeman would not let us go.

Q. You started to go there?

A. Yes sir, we started to go to the hotel.

Q. You were arrested?

A. No sir, not exactly arrested; we were taken to the hotel; walked down there.

Mr. Luzenberg: We object on the same ground.

Q. Who was it arrested you?

A. I don't know, a fellow called Teddy.

Q. Do you know his other name?

A. No sir, we had only been here two weeks and I didn't know their names.

Q. Where did he take you?

A. To the hotel and then down to the jail at the court house.

Q. How long was that after you left this house?

A. Right after we left; as soon as we got up on the main streets.

Q. How long had you been out of that house?

A. About a half hour.

Q. Who were you arrested by?

A. I don't know who he was.

Q. Was he a policeman in uniform?

A. Yes sir, two of them.

Q. Do you know who the other man was?

A. I know one was called Teddy; I don't know who they were.

Q. Do you know whether one was Martin or not?

A. No sir, it was not Martin.

Q. Where did you stay then?

A. Down at the jail.

Q. How long did you stay there?

A. About an hour.

Q. When you got out of jail where did you go?

A. We went to the depot and thought we would get our things after we saw we could not get them.

Q. Did you try to get your things?

A. Yes sir.

Q. Did you get them?

A. No sir.

Q. Were you arrested again?

A. No sir, we went to the Jefferson Hotel.

Q. Were you arrested again before you left Beaumont?

A. Yes sir, from the Jefferson Hotel.

Q. Who arrested you there?

A. I don't know; some policemen, two of them.

Q. What was the charge against you there?

A. They had us arrested for vagrancy.

Q. You were arrested for being vagrants?

A. Yes sir.

Q. Your sister Annette was arrested and Ouida and yourself?

A. Yes sir.

Q. How old did you say you were?

A. 18.

Q. When is your birth-day?

A. The 18th of this month I will be 19.

Q. Were you a virtuous woman when you left New Orleans?

A. Yes sir.

Q. At that time had you ever lived in a house of prostitution?

A. No sir.

Q. Were you working in a moving picture show?

A. Yes sir.

Q. Did you understand me, you were not a virtuous girl when you left New Orleans?

A. No sir.

Q. Since you have been in Beaumont you have been a public prostitute?

A. Yes sir.

Q. You are a public prostitute now?

A. Yes.

CROSS EXAMINATION.

Questioned by Mr. Luzenberg:

Q. When did you go to New Orleans?

A. I have been in New Orleans off and on for nine or ten years; I have only been living there about three years.

Q. You were living in New Orleans before your sister Annette came there?

A. No sir, she lived there before I did.

Q. She lived in New Orleans longer than three years?

A. Yes sir.

Q. What year did you go to New Orleans, do you remember?

A. I don't remember what year.

Q. Where were you living before you came to New Orleans?

A. Memphis, Tenn. We lived in the country about Slidell, La., afterwards.

Q. Before you moved to Memphis?

A. Yes sir.

Q. Your family moved?

A. No sir.

Q. How long did you live there?

A. Five or six months.

Q. Where did you first live when you came to New Orleans?

A. On State Street with my aunt?

Q. Then where did you live?

A. I lived down on Bank. I lived there with an aunt of mine and then moved to Mrs. Grainage's on State Street.

Q. Do you remember when you moved to Mrs. Grainage's?

A. No sir, not exactly.

Q. How long did you remain at her house?

A. About a month.

Q. Didn't you remain longer than a month?

A. Not much over a month.

Q. Were you working then?

A. Yes, sir; on Canal Street at a picture show.

Q. What time did you go to work at the picture show?

A. In the morning; I would work from 9 o'clock.

Q. Nine o'clock in the morning?

A. Yes, sir.

Q. Did you work there the whole time you were at Mrs. Grainage's?

A. Yes, sir.

Q. You don't remember the month or year?

A. No, sir; I don't remember.

Q. Were you at Mrs. Grainage's besides that time?

A. No, sir.

Q. Did you work all the time you were at her place?

A. Yes, sir.

Q. Is it not a fact that while you were at Mrs. Grainage's you did not get up until 12 o'clock in the day?

A. No, sir; I went to work every morning until noon, went to work at 9 o'clock. Annette was on a vacation, and did not get up.

Q. What time did you get in in the evening?

A. Six o'clock.

Q. Did you go home then?

A. Yes, sir.

Q. You were in the habit of going home at 12 o'clock at night?

A. No, sir; I would go to the theatre and get home at 12 o'clock.

Q. You went to the theatre every night?

A. No, sir, every other night perhaps.

Q. Did you go with friends?

A. Yes, sir.

Q. Male friends?

A. Yes, sir, and female, too.

Q. After you left Mrs. Grinage's, where did you go?

A. After we left Mrs. Grinage's we went to the country.

Q. How long did you stay there?

A. Two or three weeks.

Q. Did you come back to New Orleans?

A. Yes, sir.

Q. Where did you go then?

A. To Church Street.

Q. To whose house?

A. Maggie's, is all I know.

Q. Did you go to the picture shows at night?

A. Yes, sir; to the theatre. We got in at 12 o'clock at night.

Q. Where were you working when living at Maggie's?

A. I laid off when I went to the country, and then went to work at the same place.

Q. How long did you stay at Miss Maggie's?

A. I came there Sunday; no, Wednesday night, and left Monday, and came to Beaumont.

Q. The only two places you stayed were at Mrs. Grinage's and Maggie's, besides with your family?

A. Yes, sir.

Q. Did you ever live at Mrs. Carrie Bryant's?

A. No, sir.

Q. Have you ever been in her house?

A. Yes, sir; I was there once. I had a friend there, and went there once to see a girl friend.

Q. A friend, a girl?

A. Yes, sir.

Q. Do you know Mr. Seebold?

A. Yes, sir.

Q. Were you ever in his place?

A. Yes, sir; I was in his place once or twice.

Q. Were you in the habit of going to his place?

A. No, sir.

Q. What kind of place is his place?

A. A wine room and lunch.

Q. What kind of wine room?

A. For anybody that wanted to go.

Q. Do you know the class of women that go there?

A. Yes, sir.

Q. What kind of women go there?

A. Decent people.

Q. Did you associate with the people there?

A. Yes, sir.

Q. Drink there?

A. Yes, sir.

Q. Did you ever go there with men?

A. I went there twice with men, my sisters, too; we all went together.

Q. Did you drink together?

A. Yes, sir.

Q. Did you ever go to Jack Robertson's wine room?

A. I know him; he had always invited us to go there; I never went there.

Q. Did you go to Economides' place?

A. Yes, sir.

Q. Many times?

A. Well, a few times.

Q. What do you mean by a few times?

A. I was in his place three or four times.

Q. Did you drink there?

A. Yes, sir.

Q. You met women there?

A. Yes, sir.

Q. You met men there?

A. No, sir; I didn't meet men there. Some friends of ours would go with us there, and they would introduce us to other friends.

Q. You would drink with those men?

A. Yes, sir.

Q. Had you ever known Miss Effie before you met her there?

A. No, sir; I never saw her before in my life.

Q. You never met her in Mr. Seebold's?

A. No, sir; I have known Mr. Seebold quite a while.

Q. Did you ever meet her in Mr. Economide's place before?

A. No, sir.

Q. Did you ever meet her in Miss Wilson's place before this night?

A. No, sir.

Q. You had never been to Miss Wilson's place?

A. No, sir; I never had before.

Q. What time of day did you go to Economides' place before you came to Beaumont?

A. Two o'clock in the afternoon.

Q. Where were you going?

A. We were passing there, Annette and myself, and Economides called us, Annette and myself; I did not go, I went on and Annette went back.

Q. Where were you going?

A. I was going back to work at the picture show. Annette was with me; we had come from Royal Street to get our suitcases.

Q. Did you have your suitcase with you when you went to Economides'?

A. No, sir; she went to see about it; the woman did not know whether it was ours or not; we went to see if it was still there, and passed Economides' place coming back.

Q. That was what time?

A. It was about 2 o'clock.

Q. It was not 3 o'clock?

A. It was about 2 or 2:30; I never noticed the time.

Q. Then you left your sister?

A. Yes, sir.

Q. And you came back at what time?

A. I went to the show and he sent for me, and I went around there about a half hour afterwards.

Q. When you first went there, you had some drinks?

A. Yes, sir.

Q. How many drinks did you have?

A. We had a drink with Miss Effie and Economides, drinking beer, and we had a mixed drinks.

Q. How many drinks did you have before 8 o'clock?

A. I don't know; several.

Q. You had so many you cannot remember how many you had?

A. Yes, sir.

Q. Miss Effie was drinking, too?

A. Yes, sir.

Q. Other people going in and out of that place all the time?

A. Yes, sir; but not in that wine room.

Q. You could hear the people moving around?

A. Yes, sir.

Q. Now, I understand you to say that nothing was said about coming here until Effie came?

A. No, sir; nothing said about it until she came, and then they went to talking about Beaumont.

Q. Nothing said until she got there?

A. No, sir.

Q. Who started the conversation?

A. Economides introduced us and said she was a friend from Beaumont and wanted us to go with her.

Q. Your sister was there at the time?

A. Yes, sir.

Q. Miss Effie was there at the time?

A. Yes, sir.

Q. Had you ever spoken about coming to Beaumont before this?

A. No, sir; I never had.

Q. Miss Effie said she had a private house?

A. She said she had a private boarding house, and she said we could get jobs here, and said there was nothing in the job I had, and she would get us jobs.

Q. What kind of jobs did you think she would get?

A. In stores and picture shows.

Q. While you were here, you were in the habit of going out before you ever left Miss Effie's, and would go out in the day time?

A. Yes, sir; I went out twice in two weeks.

Q. Was there any reason why you could not go out any more?

A. No, sir.

Q. Did you ever ask for employment at Beaumont?

A. No, sir.

Q. Did you ever ask at the picture shows?

A. No, sir.

Q. Did you ask at the stores?

A. I asked friends of mine, and they said "No, after you are once here you don't get a job uptown."

Q. What friend did you ask?

A. A friend of mine in town.

Q. Who is he?

A. I don't know his name; he lived in a little country town; he used to live here, and worked for the railroad. I asked if there was any chance for getting a job here, and he said "No, if I had come from New Orleans and hunted a job I could, but I could not go to this place and get a job afterwards."

Q. You didn't know Miss Effie's business?

A. No, sir.

Q. You met her in a wine room?

A. Yes, sir.

Q. You did not know the character of people that frequented wine rooms?

A. Some good people go there.

Q. Did you ever see any decent women go into Seebold's and Economides'?

A. Yes, sir; decent girls go to Billie Seebold's.

Q. That is in the restricted district?

A. It is on North Rampart; the restricted district of New Orleans is a block off, four blocks off; it is three or four blocks back.

Q. You know where the restricted district is?

A. Yes, sir.

Q. Don't you know the kind of women that frequent Billie Seebold's, and that they are sporting women; you have been in Billie Seebold's and Economides' many times?

A. I had been in Billie Seebold's; I had not been in Economides' very many times.

Q. How many times have you been to Billie Seebold's?

A. Seven or eight times, but never alone.

Q. You would meet men there?

A. No, sir.

Q. You would drink there?

A. Yes, sir; we would go there with fellows and drink, but we would not go there to meet any men.

Q. You would not meet there?

A. No, sir.

Q. Your sister was with you very often when you went there?

A. Yes, sir.

Q. You would go there with your friends and her friends?

A. Yes, sir.

Q. Did you ever go with your younger sister, Gertrude?

A. She went with us once.

Q. To that kind of place?

A. Yes, sir; she went to Billie Seebold's.

Q. Where did she live?

A. At my aunt's.

Q. You took her with you to Billie Seebold's?

A. Yes, sir; she went one Sunday afternoon.

Q. You selected Sunday afternoon to take her to that place?

A. Yes, sir.

Q. Whom did you meet there when you took her?

A. We did not meet anybody, only the friends that went with us.

Q. How many were with you?

A. Three.

Q. Did you bring your sister to meet those men?

A. No, sir; Annette and myself and three men went and we got Gertrude to come down.

Q. Did you drink anything at Seebold's?

A. Yes, sir; beer.

Q. How much beer did you drink?

A. Two or three bottles.

Q. Two or three apiece?

A. We would get it and split it around; we never drank very much.

Q. You never drank very much, did you?

A. No, sir; if I would drink one bottle of beer, then it would make me drunk.

Q. How many times had you been in Seebold's before that time?

A. Four or five times before I took her there.

Q. You knew the character of the place?

A. Yes, sir.

Q. How long did you remain at Economides' the night you met Effie Hoke there?

A. Until about 8 o'clock. We just had time after we went to Miss Pauline's to stay there a few minutes and take a few bottles of beer and get to the train.

Q. Were you drunk or sober?

A. I was not to say drunk; I was a little intoxicated.

Q. You drank how much?

A. I drank from the time I got there until I left.

Q. Had you drank anything during the time before, during the day?

A. No, sir; not after 2 o'clock.

Q. After you left Effie's, how long did you remain in Beaumont?

A. Two weeks; after I left there I stayed here a while and went to Galveston, and came back and lived at Bessie Dean's house.

Q. That is a house of prostitution?

A. Yes, sir.

Q. You went to Galveston?

A. Yes, sir.

Q. You went to a house of prostitution there?

A. Yes, sir.

Q. Who did you go to Galveston with?

A. By myself.

CROSS-EXAMINATION BY DEFENDANT,
EFFIE HOKE.

Questioned by Mr. Howth:

Q. Where were you born?

A. At Slidell.

Q. In Louisiana?

A. Yes, sir; thirty-eight miles from New Orleans.

Q. North, south, east, or west?

A. North.

Q. On the railroad?

A. Yes, sir.

Q. Where were your sisters born?

A. Slidell.

Q. All of you born there?

A. Yes, sir.

Q. Are your parents living?

A. Yes, sir; they are living.

Q. Both of them?

A. Yes, sir.

Q. Have you any brothers or sisters?

A. I have one brother.

Q. Is he living.

A. Yes, sir.

Q. Where is he living?

A. I guess he is in Slidell.

Q. What is your real name?

A. Florence Baden is my name.

Q. That is your full name?

A. Yes, sir.

Q. You went to New Orleans eight or nine years ago the first time?

A. Yes, sir.

Q. How old were you at that time?

A. I was living with my grandmother; I was small.

Q. What is your grandmother's name?

A. Baden.

Q. Does she live there now?

A. Yes, sir.

Q. When was the first time you went there after you had grown up to be a young lady?

A. I was 13 when I went there to stay, and then I went home and stayed a while and came back when I was 15.

Q. I understand that Hays is just your stage name; Baden is your real name?

A. Yes, sir.

Q. When did you take the name of Hays?

A. When I came to Beaumont.

Q. You took the name when you left New Orleans?

A. Yes, sir; I took it before we left New Orleans.

Q. You took the name of Hays?

A. Yes, sir.

Q. When did you decide to take that name?

A. In New Orleans, after we met Miss Effie and thought we were coming here.

Q. You had no idea in the world that Effie was running a bad place?

A. No, sir.

Q. I thought she was running a nice, decent, respectable boarding house for working girls?

A. Yes, sir.

Q. What was the object in changing your name?

A. I did not want to go by the same name. Annette fell out with my aunt and she changed her name to Hays.

Q. Annette fell out with your aunt?

A. Yes, sir.

Q. She was not living with your aunt?

A. Annette said change it; she said she would change her name, and she changed it a good while before we met Miss Effie, and took the same name.

Q. I asked you when you changed your name, and you said after you met Effie and decided to come to Beaumont?

A. We did, and Annette said we would go by the name of Hays.

Q. Had you been going by the name of Hays for some time in New Orleans?

A. Annette had.

Q. How long had she been going by the name of Hays?

A. I don't know; ever since she fell out with my aunt.

Q. When did she fall out with her aunt?

A. Before we went to the country, two or three weeks.

Q. She changed her name to Hays three or four weeks before she came to Beaumont?

A. Yes, sir.

Q. For no other reason than that she had fallen out with her aunt; is that the only reason?

A. Yes, sir; she said she would not go by that name any more and wanted to go by the name of Hays.

Q. When you started to come to Beaumont, you thought you would change your name, too?

A. Yes, sir.

Q. You had not thought of changing it until you made up your mind to come to Beaumont?

A. I never did try to change my name. Annette said she was going by the name of Hays, and she told everybody our names was Hays.

Q. You told people your name was Hays when you came to Beaumont?

A. Yes, sir.

Q. Did you tell Effie your name was Hays?

A. No, sir.

Q. Did you tell Economides your name was Hays?

A. No, sir.

Q. Did you tell Pauline Wilson your name was Hays?

A. No, sir; all they knew was my first name.

Q. You changed your name because you were coming to Beaumont, without having any suspicion that Effie Hoke was running an improper place?

A. I didn't have any idea of coming over here until I went to drinking beer and mixed drinks; I didn't care then.

Q. Did you come because you were too drunk to know?

A. I didn't care; I was feeling good.

Q. You were drunk enough not to care whether you came or not; why were you not drunk enough not to care about your name?

A. I always thought about my name.

Q. You thought more about your name than you did about your conduct; is that correct?

A. I didn't care about myself; I didn't want my father to know?

Q. Isn't it a fact that you had been going by the name of Hays in New Orleans all the time?

A. No, sir.

Q. Did you ever go by the name of Jerdone?

A. No, sir. Some people pronounce the name Bedon; I never did pronounce it Bedon.

Q. Did you ever spell your name Berdone?

A. No, sir.

Q. Did you ever go by the name of Berdone?

A. No, sir.

Q. You came back to New Orleans on the same train that Annette came on; you and Annette came to New Orleans together?

A. Yes, sir.

Q. On the Sunday preceding the Monday you came to New Orleans, I mean to Beaumont?

A. Yes, sir.

Q. You had been to the country?

A. Yes, sir.

Q. Who had you visited out there?

A. My aunt.

Q. What is her name?

A. Richardson.

Q. Gertrude was along, too.

A. No, sir; she didn't go at all.

Q. She didn't go?

A. No, sir.

Q. You came back in and got to New Orleans that evening about 8 o'clock?

A. No, sir; I came in Wednesday.

Q. You didn't come in together?

A. No, sir.

Q. Were you on the train with Annette?

A. No, sir; I came Wednesday and she came Sunday night.

Q. Did you meet her at the train?

A. Yes, sir.

Q. How came you to meet her at the train?

A. She wrote and told me to meet her.

Q. Did you get a letter from her?

A. Yes, sir; I got a letter.

Q. There was no 'phone message, but a letter you received from her?

A. She 'phoned to me two or three times; she 'phoned and told me.

Q. How did you know the train she was coming on?

A. She wrote me.

Q. You and Annette were not living at the same place at that time?

A. Yes, sir.

Q. What place was it?

A. We lived at Mrs. Grinage's.

Q. Were you living there at that time?

A. Yes, sir.

Q. November, 1910.

A. Yes, sir.

Q. You left Mrs. Grinage's house that evening and went to the train and met your sister?

A. Yes, sir.

Q. Where did you go after you met her?

A. I met her and went down on Church Street and St. Charles to this other room.

Q. Where did you go to?

A. To Church Street to a boarding house; it was too late to go to Mrs. Grinage's.

Q. Who kept the place that you went to?

A. All I know is two sisters, Maggie and Eliza.

Q. What kind of place was that?

A. A boarding house.

Q. A nice, respectable place?

A. Yes, sir.

Q. Not an assignation house?

A. No, sir; a respectable boarding house.

Q. You and your sister went there together?

A. Yes, sir.

Q. What did you go there for?

A. To stay that night.

Q. What time that evening did you go there?

A. It was late; we went and got supper.

Q. You and your sister?

A. Yes, sir.

Q. You went to a boarding house that was kept by two sisters, Eliza and Maggie, and which you say was a respectable boarding house and not an assignation house?

A. No, sir; it was not.

Q. Did any other girls board there?

A. Yes, sir.

Q. Give the names of some of the other girls that boarded there.

A. No single girls, but married women.

Q. Where did you and your sister get supper that night?

A. Farbackers.

Q. What time of night was that?

A. The train came in at 9:30 or 10 o'clock.

Q. You went to Farbacker's?

A. Yes, sir.

Q. You and your sister, and not another person?

A. Yes, sir.

Q. Is it a cheap place or an expensive place?

A. The best restaurant in New Orleans.

Q. The most expensive in New Orleans?

A. Yes, sir.

Q. You were working girls?

A. Yes, sir.

Q. How much were you getting a week?

A. Eight dollars.

Q. And then, after you had your supper, where did you go?

A. It was then near 12 o'clock.

Q. It took you from 10 o'clock until 12 o'clock to eat your supper?

A. Yes, sir; some of my friends came there.

Q. You had quite an elaborate spread?

A. Yes, sir; and my aunt was in there at the time.

Q. What is her name?

A. Branch.

Q. What is her husband's name?

A. Jack Wolf.

Q. What is her first name?

A. Branch; she is married again now.

Q. What was her name then?

A. Wolf.

Q. She is married again now and her name is Branch?

A. Yes, sir.

Q. Then your aunt, Mrs. Wolfe, was in there at that time?

A. Yes, sir.

Q. How many aunts have you in New Orleans?

A. Three.

Q. Give their names.

A. One is Branch, and the other is my father's brother's wife; there are two named Baden; he had two brothers married.

Q. Your father's brother's wife?

A. Yes, sir; we have two uncles there.

Q. What is their name?

A. Baden.

Q. One is Branch and the other two are Baden.

A. Yes, sir.

Q. You have two Aunt Badens?

A. Yes, sir.

Q. Where does Mrs. Branch live?

A. On State Street, 608 State and the corner of Patton.

Q. Where does the other aunt live?

A. On Dupree Street.

Q. Why does it take you so long to tell?

A. I have to think of it. She boards on Dupree.

Q. Whereabout on Dupree?

A. That is a long street, 1108.

Q. Which one of the Badens lives at 1108 Dupree?

A. Mrs. G. Baden.

Q. Any other initials?

A. That is all.

Q. Just G. Baden?

A. Yes, sir.

Q. Where does your other aunt live?

A. She had just moved to town; I don't know where she lived then.

Q. You don't know where she lived?

A. She lived near La Fayette Square; she had just moved to town, and I didn't go around my relatives; not all of them.

Q. What is her name; what is your other aunt's name?

A. Baden.

Q. What is her other name?

A. C. Baden.

Q. How old is Mrs. C. Baden?

A. She is 24.

Q. How old is Mrs. G. Baden?

A. She is thirty something; I don't know exactly.

Q. What does her husband do?

A. He is a whiskey drummer.

Q. Mrs. G. Baden's husband?

A. Yes, sir.

Q. He is a whiskey drummer?

A. Yes, sir.

Q. What are his initials? Mrs. G. Baden's husband's initials?

A. His name is G.

Q. Is that all?

A. Yes, sir; George.

Q. What is the name of the husband of Mrs. C. Baden; tell us that, what is his name?

A. Charles.

Q. What does he do?

A. He is a saloon man.

Q. Are you not mistaken, and is it not a fact that you have only one aunt in New Orleans, and her name is J. G. and her husband is a carpenter?

A. One just moved there, and one has been living there quite a while.

Q. Isn't it a fact that her husband is a carpenter?

A. He is a bartender and carpenter; he can do either one.

Q. You are sure his name is Charles.

A. Yes, sir.

Q. He is not following the carpenter's trade, is he?

A. I don't know what he is doing now.

Q. Is he following the business of a bartender or the business of a carpenter?

A. I don't know just—

Mr. Ownby: We object, as immaterial and irrelevant.

Objection sustained.

Defendants except.

Q. Well, Miss Florence, would you mind telling the jury when you ceased being a virtuous girl?

Mr. Ownby: I object to that.

The Court: The witness has answered that she was not a virtuous women when she came from Beaumont to New Orleans, rather from New Orleans to Beaumont, and that since that time she had been a public prostitute, and that being the case the Court rules that specific instances of lapses of virtue would not be material. You may answer the question as to how long you had ceased to be virtuous before you left New Orleans to come to Beaumont?

Q. How long?

A. About eight months.

Q. Did you ever live in a public house in New Orleans?

A. No, sir.

Q. Did you frequent assignation houses in New Orleans?

A. No, sir.

Q. Did you frequent public houses for purposes of assignation?

A. No, sir.

Q. I mean hotels?

A. No, sir.

Q. Where did you carry on the traffic over there?

Mr. Ownby objects, as immaterial and irrelevant.

Objection sustained.

Defendants except.

Q. How many months have you been frequenting wine rooms, going to wine rooms?

A. Not over two months.

Q. How long had you known Pauline Wilson?

A. I had not seen her but once before that night that we went to her house; I saw her once before then.

Q. I understood you to say you had never been to Pauline's house?

A. The second time I saw her was when I went to her house that night to go to the train.

Q. Where did you see her the first time?

A. Down in Economides' wine room.

Q. How long was that before you met her that night?

A. It was about three weeks. She came there one night when we were there and tried to get me to go to her house.

Q. You declined to go?

A. Yes sir.

Q. Did you go?

A. No sir.

Q. You could not go?

A. No sir, I told her I could not.

Q. You had been living in that city how long, New Orleans?

A. I have been living there off and on nine years, but have only been working there three years.

Q. When did you move there, about what month and what year did you move there?

A. I moved there in November.

Q. What year?

A. I stayed there quite a while and worked; I worked there in 1904; I worked awhile and went back and came back and went to Memphis.

Q. Who did you work for in 1904?

A. The same place, the Victor Theatre.

Q. What kind of theatre is that?

A. A moving picture show and vaudeville.

Q. Who runs that place?

A. A fellow named Brooks then.

Q. You lived there and went back at what time?

A. I went to Memphis and stayed in Memphis two years, and then I went back.

Q. When was it, what year was it; I want to find the last time you moved there?

A. I left there in 1905 and came back in 1907.

Q. You went there the last time in 1907?

A. Yes sir.

Q. Who did you board with?

A. I stayed with my grand-mother.

Q. What is her name?

A. Baden.

Q. Do you know what street she lived on?

A. At State Street with my aunt.

Q. That is another street, a long street?

A. Yes sir, 608.

Q. Who did you work for at that time?

A. The same place.

Q. You worked there at that time and lived with your grand-mother?

A. Yes sir, awhile.

Q. I thought you said you did not work at that time?

A. I did work after I went to Memphis and came back.

Q. Who was it?

A. The same party the Victor Theatre.

Q. The Victor Theatre?

A. Yes sir.

Q. Didn't you call that the Chrystal Theatre awhile ago?

A. No sir.

Q. Did it change its name in the mean time?

A. No sir. I never said Chrystal, I said Victor.

Q. How long did you work there?

A. A month.

Q. What were the hours of work?

A. The first time I worked there, nine to six.

Q. Then where did you go to from there?

A. I stayed at my aunt's when her husband was gone away, and I stayed with my grand-mother.

Q. Which one of the aunts was it?

A. Branch. She and her husband went away and I stayed with my grand-mother.

Q. Is he the whiskey drummer Branch?

A. Yes sir.

Q. Did you not say awhile ago that Mrs. G. Baden was the whiskey drummer's wife?

A. Yes sir. My uncle Gauley. He was a drummer too and worked as a carpenter.

Q. You have three aunts?

A. Yes sir.

Q. One named Wolf, first she married Wolf and after that married Branch?

A. Yes sir.

Q. And then you had two other aunts?

A. Yes sir.

Q. Your father's brothers' wives, and their names was Baden, and Mrs. G. Baden's husband was whiskey drummer?

A. Yes sir.

Q. Do you now say that Mrs. Branch's husband was a whiskey drummer?

A. Yes sir. Her second husband was a whiskey drummer.

Q. Don't you think you are a little mixed up on that?

A. No sir, I am not mixed up at all.

Q. You said that Mrs. Branch,—her name was Wolf at that time?

A. I said I stayed with her twice, one time when her name was Wolf and once when her name was Branch. This last time her name was Branch.

Q. You went to New Orleans in 1907?

A. Yes sir.

Q. You stayed with your grand-mother and worked a month for a moving picture show, and then went and lived with your aunt, Mrs. Branch?

A. Yes sir, she and my grand-mother lived together.

Q. Her name was Branch at that time?

A. Yes sir.

Q. That was in 1907?

A. Yes sir.

Q. That is what her name was at that time, that is what you now tell the jury?

A. Yes sir.

Q. How old a woman was she?

A. She is 29.

Q. She is 29.

A. Yes sir, 29 now.

Q. You say she is 29 now?

A. She was 29 then.

Q. How long did you stay with Mrs. Branch?

A. I stayed there about two months.

Q. Do you know what street she lived on?

A. 608 State Street.

Q. That is where your grand-mother lived?

A. She lived with my grand-mother.

Q. You said awhile ago you ceased to live with your grand-mother and went to live with your aunt?

A. No sir, I didn't say that.

Q. Didn't you say you lived with your grand-mother at 608 State Street, and you then went to live with your grand-mother?

A. They lived together.

Q. Didn't you say you then went to live with your aunt Mrs. Branch?

A. Didn't you say that, didn't I say that. I didn't fall out with my grand-mother at all.

Q. You didn't say that?

A. No sir, they were both living together, my aunt and my grand-mother.

Q. How long did you stay with your aunt and grand-mother?

A. I stayed there three months and then moved to Mrs. Grinage's.

Q. Well, did you continue to work at a picture show?

A. Yes sir. After I moved to Mrs. Grinage's.

Q. I understood you to say you only worked at the picture show about a month?

A. After my uncle came back I went to work there again and moved to Mrs. Grinage's.

Q. Where was your uncle gone to?

A. New York, I believe. He was a drummer.

Q. Do you know what house he traveled for?

A. No sir.

Q. Do you know what his territory covered?

A. No sir.

Q. Do you know what kind of looking man he is; what kind of looking man is he?

A. He is a big Jew.

Mr. Ownby objects as immaterial and irrelevant.

Objection sustained.

Defendants except.

Q. When your uncle came back you quit living with your aunt?

A. Yes sir, and then went to live with Mrs. Grinage.

Q. Who did you work for then?

A. The Victor Theatre.

Q. How long did you work there?

A. I moved to Mrs. Grinage's and lived there a little over a month, and worked at the show until we left for the country.

Q. How long was that?

A. A little over a month.

Q. Then you left for the country?

A. Yes sir.

Q. Was that the trip you and Annette took?

A. Yes sir.

Q. The same trip you came back from when you left together and came to Beaumont?

A. Yes sir.

Q. Are you sure of that?

A. Yes sir, the same trip.

Q. Let's see if you are not mistaken about that?

A. No sir.

Q. You said you went to New Orleans in 1907, the last trip you made there was in 1907 when you worked at the theatre about a month and lived with your grandmother?

A. Yes sir.

Q. And then you went and lived with your aunt who lived at the same place with your grand-mother, I be-

lieve you finally got it that way, and stayed three months until her husband came back from New Orleans, and then went to live with Mrs. Grinage?

A. Yes sir.

Q. That would be four months, and you stayed there a month?

A. Yes sir.

Q. That would be five months and you went to the country, and that trip which you say you took to the country was the identical trip you and your sister took from which you had returned the day before you met Effie Hoke and came to Beaumont?

A. I came back Wednesday before.

Q. Don't you know that was not the way it happened; you know that is not the way it happened, and that would only be five months from 1907, and you didn't come here until 1910? Don't you know you didn't come to Beaumont until 1910?

A. I know I didn't.

Q. That is true, you came here last fall, in November?

A. Yes sir.

Q. 1910?

A. Yes sir.

Q. According to your statement of where you lived, you only lived in New Orleans five months after 1907 before you took the trip to the country?

A. I stayed at my aunt's three months, Mrs. Branch's, and then moved to Mrs. Grinage's and stayed a month and then went to the country.

Q. You have only placed yourself in New Orleans five months after 1907 before you took this trip to the country, the same trip you and your sister took from which you had just returned when you came to Beaumont, and you did not come to Beaumont until 1910?

A. I don't know about 1907; I was there off and on. I didn't stay there very steady.

Q. You stayed at Mrs. Grinage's three months?

A. No sir, a little over a month.

Q. You worked at the theatre?

A. Yes sir.

Q. Where did you go then?

A. I went to the country.

Q. You stayed in the country how long?

A. Three weeks.

Q. Then where did you go?

A. Came back to New Orleans.

Q. Then what did you do?

A. I got there on Wednesday, and went to work and on Monday I met Miss Effie and came over here.

Q. You were in New Orleans just five months?

A. I was there off and on since 1907.

Q. What did you do the balance of the time?

A. I was staying with my people.

Q. Tell us who you stayed with?

A. With my grand-mother and other aunts.

Q. You told us about staying with your aunts; you told us about staying at Mrs. Branch's a month, and about going to the country and staying three weeks; what were you doing and how do you account for your presence in New Orleans the balance of the time, and where you stayed?

A. I stayed around my aunts and grand-mother.

Q. What aunt?

A. Two of them.

Q. Which one did you stay with after you got back from the country?

A. I did not stay with any of them. I stayed with Miss Maggie and Miss Eliza on Church Street.

Q. Is it because you don't want to tell about the balance of the time in New Orleans?

A. I stayed around there that is all.

Q. You have only accounted for five months of your time in New Orleans beginning with 1907?

A. I stayed around from one to the other.

Q. Isn't it a fact that the reason you make that statement is because you were in a sporting house?

A. No sir, I was not.

Q. And want to conceal that fact from the jury?

A. No sir.

Q. Tell the jury where you stayed the balance of your time in New Orleans?

A. I was with my aunts and grand-mother.

Q. Which ones?

A. Mrs. Branch and Mrs. Baden and my grand-mother.

Q. State all the time you stayed there?

A. I stayed from one to the other all the time.

Q. I would like to find the order in which you stayed with the different people, and the ones you stayed with when you first went there, and then where you went to and how long you stayed there and where you went to, so the jury may know what you were doing while in New Orleans?

A. I stayed with my grand-mother and two aunts.

Q. Can you tell us what periods of time you stayed with those relatives?

A. I could not say; I would stay two months with one and then the other, and then my grand-mother.

Mr. Howth: I think the Court ought to ask the witness to answer the question.

The Court: She said during the period 1907 to 1910 she stayed with one of her relatives and then the other.

Q. Now, when you got to Beaumont did you have a venereal disease?

Mr. Ownby: We object to that as immaterial and irrelevant.

Objection sustained.

Defendant except.

Q. Is it not a fact that Dr. Reagan treated you?

The Court: I have made a ruling, and you can take a bill, but don't ask the question.

Defendants except.

Q. How long have you been a frequenter of wine rooms?

A. As I said I had not been going to wine rooms more than two months altogether.

Q. You had been in wine rooms two months altogether?

A. I started to going to wine rooms two months before I came over here.

Q. Do you know Carrie Bryant?

A. I know of her.

Q. What kind of place does she run?

A. An assignation house I guess.

Q. You don't know that she runs that kind of place?

A. No sir, I do not; I guess it is. I was in her house once.

Q. You were in her house one time; when was that?

A. When a girl friend of mine was there I went there to see her.

Q. Was she an inmate of the house?

A. Yes sir, she was there three days and was sick.

Q. You went to see a girl friend?

A. Yes sir.

Q. At Carrie Bryant's?

A. Yes sir.

Q. Where does she live?

A. North Rampart Street, I don't know the number.

Q. You don't know the number?

A. No sir.

Q. Do you know what place it is?

A. Only right opposite Billie Seebold's place.

Q. Billie Seebold's wine room?

A. Yes sir.

Q. Is that right?

A. Yes sir.

Q. How long had you known this girl friend who was an inmate of Billie Seebold's place, an inmate of Carrie Bryant's place opposite Billie Seebold's place that you went there to see?

A. I have been knowing her five years; she used to live in the same house.

Q. Was she a companion of yours?

A. Yes sir.

Q. Did she go to the wine rooms with you?

A. Yes sir.

Q. Did you know that she was an immoral woman?

A. She was all right at home, and when I found she was bad, we were forbidden to go to see her.

Q. Do you tell the jury that that is the only time you went to Carrie's house, and that was the purpose for which you went, and that statement is as true as the balance of the testimony you have given

A. Yes sir.

Q. And that that is as true as the statement that Effie Hoke induced you to come to Beaumont?

A. Yes sir.

Q. How many times were you ever drunk in New Orleans?

Mr. Ownby: We object to that as immaterial and irrelevant.

The Court: She can answer it.

The Witness: I never was drunk to say drunk. I was drinking a good many times.

Q. What would you call your state of intoxication?

A. I was not drunk so I could not walk.

Q. What was the condition you got in as a result of the use of intoxicating liquors?

A. Just act silly.

Q. How many times have you been silly from drinking?

A. A glass of beer would make me act silly then.

Q. What do you mean by then?

A. Before I came over here.

Q. You didn't know what it was to drink before you came to Beaumont?

A. No sir, not very much at a time.

Q. How many times had you been silly from drinking when you left New Orleans?

A. Every time I drank.

Q. How many times would you drink?

A. Not very often.

Q. How many times a week would you get silly from drinking?

A. Sometimes once a week and sometimes twice.

Q. You were silly once a week from drinking when you lived in New Orleans and sometimes twice a week?

A. Yes sir, if I wanted a glass of beer I would go to Seebold's or Economides.

Q. That statement is correct?

A. Yes sir.

Q. When you say you met your sister at the train and that the train did not come in until 9:30 or 10:00 o'clock, and went to the restaurant and stayed until 12, and went to bed at a place run by Eliza and Maggie, are you not mistaken?

A. No sir.

Q. Isn't it a fact that your sister and her beau went to the theatre that night, Sunday night?

A. No sir, they came in and went Monday night.

Q. Then Sunday night is not the night you came in?

A. I made a mistake. She came in Sunday night and wanted to go to the theatre; she did not go to the theatre.

Q. I asked you if she went to the theatre the night she came in from the country?

A. No sir.

Q. You are sure of that?

A. Yes sir.

Q. As sure of that as anything else?

A. I know she did not go to the theatre.

Q. Do you know why it was that she did not have her baggage with her that night?

A. She didn't have anything but a grip.

Q. What did she do with that?

A. Left it Royal Street. She left it there with a friend of hers named Anna.

Q. Did you and your sister sleep at Eliza's and Maggie's house?

A. Yes sir.

Q. Why didn't you take the grip there?

A. We didn't know whether we would stay there or not.

Q. What kind of place does Anna run?

A. A rooming house.

Q. Is it an assignation house?

A. I don't think it is.

Q. Is it a private assignation house?

A. I don't know what it is. I know this girl stayed there.

Q. Is it not a fact that Ouida Landry was living at that house at the time?

A. No sir, Ouida was in Beaumont at that time.

Q. How do you know that, Miss Baden?

A. We came back Sunday night and she was there five days before we were; I know that is what she said.

Q. Did you know Ouida in New Orleans?

A. Yes sir.

Q. Do you know where she went when she left New Orleans?

A. Beaumont I guess.

Q. Ouida was one of your friends in New Orleans?

A. We were in the country when she left.

Q. Isn't it true that Ouida and your sisters and you were friends in New Orleans?

A. All we knew about her was that we met her one night in Seebold's.

Q. Were you friends in New Orleans or not?

A. We had only met a short time.

Q. Just state yes or no.

A. Yes sir, we were friends.

Q. Was Ouida a sporting girl in New Orleans?

A. No sir. She was not.

Q. Ouida did not live at Anna's place at any time?

A. No sir, not that I know of.

Q. The place where your sister left her suit case was kept as a private assignation house?

A. I don't know that it was; there was a woman and her son and this girl lived there. I don't know what kind of house it was.

Q. Before you left you knew that Ouida had come to Beaumont?

A. No sir, I didn't know until the next day that Ouida was over here at all.

Q. Didn't you say awhile ago that at that time you knew that Ouida was at Beaumont?

A. I didn't know it; she was over here five days before we came.

Q. Didn't you know at that time she was here?

A. I didn't know it until the next morning myself. Pauline's daughter told us the next morning. I says "Are there any girls here" and she said there was one girl there. I knew it Tuesday morning after we got there.

Q. Didn't you say awhile ago that you knew Monday morning that Ouida was in Beaumont?

A. No. sir, I didn't know it.

Q. Ouida did not tell you where she was going to?

A. We were in the country and she did not tell us anything.

Q. Ouida was at Effie Hoke's place at that time?

A. Yes sir.

Q. She was a friend of yours and you didn't know she was here?

A. No sir. We were in the country when she left for Beaumont.

Q. She never wrote to you?

A. No sir.

Q. Did I understand you to say that Pauline or Pauline's daughter told you Monday morning after you got in Sunday night that Ouida was in Beaumont?

A. She said Ouida was here.

Q. Where was that?

A. At Effie Hoke's.

Q. Here in Beaumont?

A. Yes sir.

Q. The question was if Pauline's daughter did not tell you Monday morning following the Sunday on which you arrived from the country that Ouida was in Beaumont; that is the question, and you said yes?

A. No sir, I didn't know it until Tuesday morning.

Q. You didn't tell some of the State officers and County officers in the latter part of November or the early part of December, about the time you tried to take your clothes out clandestinely in the early morning hours, and was caught with them or discovered and arrested, in making complaints in this case here, didn't you tell them that Pauline or Effie induced you to come to Beaumont, and told you that she was running a sporting house over here, and that sporting girls could wear diamonds and better clothes, and that working girls could not?

A. No sir.

Mr. Dailey: We object to that question.

The Court: He can ask the witness and I will let her answer it.

Q. Didn't you tell Mr. Scurlock on the 31st of December, 1910, and subsequent to the time you tried to take your clothing out of Effie's house clandestinely in the early morning hours when she was asleep subsequent to the time of the conversation and on the 3rd day of December, that in New Orleans Effie tried to induce you to come to New Orleans, to come to Beaumont, I should have said, and that she told you she was running a sporting house, and that you could wear fine clothes and diamonds, and working girls could not?

A. No sir, I did not.

Q. Didn't you make that statement to Mr. Scurlock in Beaumont at his office?

A. I never told him anything about a sporting house.

Q. Did you make that statement to Mr. Scurlock in Beaumont in his office or at any place at the time I have stated?

A. No sir.

Q. Did you make that statement to him in substance or effect?

A. No sir, I did not.

Q. And is it not true that you never made that complaint until she or somebody had had you arrested?

A. No sir, we went up there to see if we could get our clothes, and they wanted to know why we wanted them, and we told them how we came over here.

Q. Is it not true that you never made that complaint against her until somebody had you arrested subsequent to the time you tried to take your clothes out at an early hour?

A. We never said anything about it until after that.

Q. You were then sore at her?

A. No sir, I was not sore; I just wanted my clothes.

Q. You didn't make this complaint because you were sore?

A. No sir, I did not.

Q. You wanted to leave her house because you wanted to get out of the life you were leading?

A. Yes sir, I wanted to go the next day after I got there, and I could not get my clothes.

Q. Did you have any clothes when you came over here?

A. Yes sir, I did.

Q. You had a grip of clothing when you came over here?

A. Yes sir, I certainly did.

Q. You left New Orleans that night with a suit case or grip containing clothes?

A. Yes sir, we did. Each of us had a suit case. I didn't have many clothes; my suit case was with me and my trunk was in the country, and I taken a few things out and brought them with me.

Q. I want to give you a chance to correct this if you want to. Do I understand you to tell the jury and are you positive that each of you had a suit case when you left New Orleans Monday night to Come to Beaumont?

A. Yes sir.

Q. Each one had a suit case containing clothing of your own?

A. Yes sir.

Q. Where did you get it?

A. It had been at Anna's place.

Q. When you came in Wednesday you took your suit case to Anna's?

A. Yes sir, I left it there.

Q. You got back from the country Wednesday before the Sunday Annette got back?

A. Yes sir.

Q. And you went right straight with your suit case to Anna's place?

A. The way it was I had a little hand grip.

Q. Did you go and take it there?

A. Yes sir, and left it there.

- Q. What street does Anna live on?
A. Royal and Canal.
Q. Are you not mistaken about that?
A. It is only a block from Canal Street.
Q. Towards Iberville?
A. Yes sir, it is Royal and Iberville.
Q. How far from Economides place?
A. One block around the corner.
Q. You took your grip and left it there?
A. Yes sir.
Q. Did you sleep at Anna's place Wednesday night?
A. No sir.
Q. Did you sleep there Thursday night?
A. No sir.
Q. Did you sleep there Friday night?
A. Yes sir.
Q. Did you sleep there Saturday night?
A. No sir, I never slept there at all.
Q. You didn't sleep there Saturday night?
A. No sir.
Q. Where did you sleep those nights?
A. At Maggie and Eliza's.
Q. Why didn't you take your grip to Maggie's place?
A. I didn't know I would stay there.
Q. Why didn't you get it between Wednesday and Monday?
A. I just didn't get it.
Q. Why didn't you get it between the Wednesday you came in and the Monday you left there?
A. I didn't want it; I had a little grip with a change of clothes in it and a big suit case too. I took the little one to Miss Maggie's.
Q. You took a little one like that, about as big as the hand-satchel you have there?
A. Yes sir, a little larger.
Q. About big enough to put a tooth brush and a kimona in?

A. Yes sir, and a suit of clothes.

Q. You took that grip and left it there at Anna's

A. Yes sir.

Q. You left that grip from Wednesday to Monday?

A. Yes sir, I had a clean suit I worked in and another one.

Q. You didn't take the trouble to go to Anna's place and get your grip?

A. No sir.

Q. Could you not have taken your grip with your clean clothing to Maggie's place?

A. I didn't do it.

Q. What is the reason you didn't take it to Maggie's place where you were sleeping instead of leaving it at Anna's place where you were not sleeping?

A. I never did get it.

Q. How far was Anna's place from Maggie's place?

A. Eight or nine blocks.

Q. Where did you work in the mean time?

A. At the Victor theatre.

Q. The same old shop?

A. Yes sir.

Q. You had been gone three weeks?

A. Yes sir.

Q. And you left your grip at Anna's place because you didn't know whether you would continue to live with Maggie?

A. Yes sir, I left it there and kept putting off to get it every day.

Q. Could you not have taken it to Maggie's place just as easily as to Anna's place?

A. I guess I could, but I didn't.

Q. When you left there that night you went to Anna's place and got it?

A. Yes sir.

Q. You went by Economides place and on up to Pauline's place?

A. Yes sir.

Q. The reason you wanted to get away from Effie's place was that you wanted to change your mode of life?

A. Yes sir.

Q. Have you changed it since you left there?

A. I have not yet. They wanted to hold us with the court.

Q. Is that the reason you have not changed your mode of life, because they wanted you as a witness in this case?

A. I had to live some place.

Q. Where have you been living since you left Effie's place?

Mr. Dailey objects.

The Court: You can take your exception. The court rules that specific instances of prostitution are not admissible. You can put that in the bill of exceptions.

Mr. Howth: I am just asking the character of life she has led.

The Court: She has already stated the life she led. She has stated that she began after she came here the life of a prostitute and has continued it to this time.

Q. Were you up in Paris attending court when the grand-jury was in session?

A. Yes sir.

Q. Were you put out of the hotel up there for misconduct?

The Court: I will sustain the objection to that on the ground that the witness has already stated that she was leading that kind of life and the details would not be admissible.

Both defendants except.

Q. You testified before the grand-jury?

A. Yes sir.

Q. How many times did you consult with the District Attorney or his assistant before you went before the grand-jury?

A. How is that?

Q. How many times did you consult with or talk with the District Attorney or his Assistant or both of them before you went before the grand-jury?

A. Two or three times.

Q. How long did each conversation last?

A. Sometimes two hours and different times.

Q. How many times have you consulted with him this week?

A. About three times.

Q. How long did each consultation last?

A. An hour or two hours.

RE-DIRECT EXAMINATION.

Questioned by Mr. Dailey:

Q. Counsel asked you if Ouida Landry was living in this house in New Orleans when you took the grip there?

A. No sir. She was not in town, she was in Beaumont.

Q. You knew she was not there before you saw her in Beaumont on Monday?

A. No sir, on Tuesday.

Mr. Howth objects as leading.

Objection sustained.

Q. Was that the statement you made?

A. Yes sir.

Q. In answer to Mr. Howth's question didn't you tell him you knew she was not there because you saw her in Beaumont on Tuesday morning when you got there?

A. Yes sir, and she said she had been there five days. She had been there five days before we got there.

Q. Who told you she was here?

A. Miss Pauline's daughter.

Q. Where did you see her?

A. At Effie Hoke's house.

Q. In Beaumont?

A. Yes sir.

Q. After you got here?

A. Yes sir.

Mr. Howth objects as leading.

The Court: Yes sir, it is leading.

Q. Now, where is Effie Hoke's house, in what town; is it in Beaumont?

A. Yes sir, in Beaumont.

Q. Did you ever make any complaint to any Federal official against either of the defendants in this case; did you ever go before a Federal official and make a charge against either one of the defendants?

A. No sir.

Q. When did you first know of the institution of this case?

A. I didn't know anything about it until after we went to the Court house; we just thought we would get our clothes.

Q. What court house did you go to?

A. The court house here.

Q. What did you go there for?

A. We went to Jake Giles to see if we could get our clothes and he sent us to the court house to see somebody.

Q. You went to the court house to get your clothes?

A. Yes sir.

Q. You made a statement there?

A. Yes sir.

Q. Now, when did you first know of any prosecution, suit or case against these parties in this court; when was the first time you heard of it?

A. It was about three weeks or a month after we went to the court before I knew anything about it; they sent some papers out.

Q. What was the first thing you knew about it?

A. Some one in the court house told my oldest sister they were going to do something for white slaves.

Q. Where was that?

A. They came down there to Effie's; I went back there and stayed a few days, and Annette and Ouida were staying at the hotel; they went to the court house and they sent them to a lawyer. I don't know how it started. I know they were at the hotel and had to go to a lawyer and back to the court house again.

Questioned by Mr. Ownby:

Q. Were you ever served with any paper to come to Paris, Texas?

A. Yes sir.

Q. Did you know this case was going to be instituted until that time; this case here?

A. No sir, I didn't know what they were going to do about it.

Q. That was the first you ever knew about it?

A. Yes sir.

Q. You had not done anything towards it yourself, had you or not?

A. No sir.

GERTRUDE BADEN (alias Gertrude Hays) TESTI-
FIED FOR THE UNITED STATES
AS FOLLOWS:

Questioned by Mr. Ownby:

Q. What is your name?

A. Gertrude Baden.

Q. Where were you living about the 14th of November, 1910?

A. New Orleans.

Q. How old were you at that time?

A. 16.

Q. When did you come to Beaumont?

A. I don't remember exactly the date; I came in November I believe it was.

Q. You don't remember the date, but it was in November?

A. Yes sir.

Q. You say you were 16 years old at that time?

A. Yes sir.

Q. Were you a virtuous girl at that time or not?

A. I was not.

Q. Had you ever lived in a house of prostitution?

A. No sir, I had not.

Q. You never had lived in a house of prostitution?

A. No sir.

Q. Are you acquainted with Mr. Economides?

A. Yes sir, I met him twice.

Q. Where did you meet him?

A. I met him on Canal Street once and once in his saloon.

Q. You mean in New Orleans?

A. Yes sir.

Q. You met him once on Canal Street?

A. Yes sir.

Q. And once in his wine room?

A. Yes sir.

Q. You had met Mr. Economides twice before you came to Beaumont?

A. Yes sir.

Q. Once on Canal Street and once in his wine room?

A. Yes sir.

Q. How long had you known him before you came here?

A. I suppose three weeks.

Q. Well, the night you and your sisters came to

Beaumont where were you and what was the first information you got about coming here?

A. The first information I got I was at my aunt's and my sister Florence came down after me, and said she was coming to Beaumont. I didn't know what she was coming for. She said for me to come to Economides saloon and a lady there would tell me.

Q. She came to your aunt's and told you she wanted you to go to Beaumont?

A. Yes sir.

Q. Where was it she wanted you to go to?

A. To Economides wine room and see Miss Effie Hoke. My aunt was not at home at the time and I was keeping the house for her.

Q. Who was at Economides place when you got there?

A. Effie and Mr. Economides and my two sisters.

Q. Now, Miss Gertrude, go ahead and tell all you can remember, what was said by Mr. Economides and by Effie Hoke in reference to getting ready to come to Beaumont?

A. He said more to my other sisters than to me. He said they were coming to Beaumont; he didn't tell me anything about it, and later on he said "You are going over to see this lady; she has a private boarding house," but he never said what it was for. He said to Miss Effie "Here is the other girl I was telling you about." He said "This is the other little girl I was talking to you about," and they said "Let's have a drink" and we had a drink.

Q. Then what else was said?

A. That is all I remember.

Q. That is all you remember?

A. Yes sir.

Q. Did you go anywhere else?

A. Yes sir, we went to Miss Pauline's; I don't remember her other name. It is on St. Louis Street.

Q. What did you do there?

A. We drank some beer, and after that we went into a cab and went to the depot.

Q. You got into a cab and went to the depot?

A. Yes sir.

Q. Was there anything said about the fare being paid over here, and who said it?

A. That was made up at the house.

Q. What was said at the house; was Economides at Pauline's house?

A. No sir, just Miss Effie, Pauline, Theresa and my two sisters and myself.

Mr. Economides: By his attorney, Mr. Luzenberg:
We object to what occurred when Economides was not present.

Q. What was said there between any of you?

A. Miss Effie paid Theresa some money and she told us she wished us a good time, and we got into a cab and went down to the station.

Q. Did you take the train there?

A. Yes sir, at the union depot, and that is all I remember until the next morning.

Q. Did you get intoxicated?

A. Yes sir, I was a little.

Q. You were intoxicated?

A. Yes sir.

Q. All you remember about it is that shortly afterwards you went to the depot and took the train, and the next morning you woke up in Beaumont?

A. Yes sir.

Q. Where did you go when you got to Beaumont?

A. Took a cab and went down to Effie Hoke's.

Q. Who did you meet when you got there?

A. We met Lucile, Pauline's daughter.

Q. Was there anything said between you and Miss Lucile before you met Miss Ouida Landry?

A. Yes sir, I went in her room.

Q. What was said between you all there?

A. She asked if we knew what kind of place we were in.

Q. What did you tell her?

A. We told her no, they said it was a boarding house.

Q. What did she say?

A. She said it was a public place.

Q. A house of public prostitution?

A. Yes sir.

Q. She said that was the kind of place it was?

A. Yes sir, she said if we knew the kind of place it was she knew we would go back, and that our parents would not let us be in the house.

Q. After that did you see Miss Lucile, Miss Pauline's daughter?

A. Yes sir, she said we could not go back until we paid Miss Effie what we owed her. I said I didn't know it was that kind of house.

Q. She said you could not leave until you paid Miss Effie what you owed her?

A. Yes sir.

Q. She said you could not leave?

A. Yes sir.

Q. What did you do?

A. We stayed until the next morning and Miss Effie came.

Q. Did you have any conversation with Miss Effie?

A. We went down and she made books, and said how much we owed her.

Q. Did you tell her you didn't want to stay there?

A. Yes sir, I told her I did not; that I was not of age and didn't want to stay in that kind of house. She said we had to stay until we paid her.

The Court: This testimony would only be testimony against Effie Hoke and not against Economides. The jury will understand that. All testimony after they ar-

rived in Beaumont would only be testimony against Effie Hoke.

Q. Effie Hoke told you you could not leave until you paid her what you owed her?

A. Yes sir.

Q. Was anything said there about what your duties would be about the house, what you would have to do?

A. She said we had to go up stairs with the men that came in.

Q. When men came in you would have to go up stairs with them?

A. Yes sir.

Q. What did you say about that?

A. I didn't say anything; I thought a lot.

Q. You thought a lot about it?

A. Yes sir. I was not used to going with any and everybody that came in.

Q. You just had a friend?

A. Yes sir.

Q. Was any force used on you at any time to make you go up stairs?

A. Yes sir, I was forced once to go up stairs with an old man; it was an old man about seventy-five years old; it was an old man about that age. I went in and called him grand-father, and he got highly insulted. The land-lady said I had better take him up stairs and try to get rid of him, and I could not and taken him up stairs and put him in the room and closed the door, and he came down and made complaint and she told me I had better go up there with him, and I put him in the room and kept him in there, and the next morning I went in there, and he said he could not afford to pay me for all night, and he gave me \$2.50.

Q. Did you have any other duties about selling anything.

A. They made us drink soda or something, and she

said if I did not drink it, I would have to go back to the candy factory.

Q. Did they sell it to men?

Mr. Howth: We object to that.

The Court: I sustain the objection. The jury will not consider that.

Q. Was there anything said to you when you went down about going up stairs with men; what would she say about that?

A. She said we had to pay her back what she paid out for us, and we had to go.

Q. That you had to go and meet men, and that was the way to pay it?

A. Yes sir.

Q. How long did you stay there?

A. I think about three weeks; I was the last one there.

Q. Were you there when your sisters and other people tried to get away and some of them did get away?

A. Yes sir.

Q. Go ahead and tell what you know about that?

A. I don't know anything about it, except that a fellow named Handley helped them get out, and the landlady said they were trying to bilk her, and she came to my room and said I was trying to do the same thing, and take my clothes and get them down stairs.

Q. Did she buy clothes for you while you were there?

A. Yes sir, when we would get out of debt she would buy clothes and say we owed her that much more.

Q. When you would get out of debt she would buy you clothes; who from?

A. Some of the peddlers.

Q. She would buy some kind of clothes and claim you owed her again, and you would have to stay there until you paid her?

A. Yes sir.

Q. After you got in Effie's house did you follow the life of a common prostitute?

A. I had to, I could not do otherwise.

Q. Have you since?

A. I have not since; I have not been in Beaumont since we went to Paris.

CROSS EXAMINATION.

Questioned by Mr. Greer:

Q. How many members of your family are living; how many sisters have you living?

A. I have eight sisters.

Q. Eight sisters?

A. Yes sir; there are only three of us out.

Q. All living?

A. Yes sir.

Q. How many brothers have you?

A. One.

Q. Are your father and mother living?

A. Yes sir, they are.

Q. Where are they living?

A. At Slidell, La.

Q. What occupation is your father engaged in?

A. He is a saloon man. He runs a saloon.

Q. Where are your other sisters?

A. They are at home. There is one married.

Q. Are your other sisters younger than yourself?

A. Yes sir, all younger except the married one.

Q. What year were you born?

A. I was 17 on the 22nd of December last.

Q. What year were you born?

A. In December.

Q. What year were you born in?

A. I don't know; I don't keep the run of it.

Questioned by Mr. Luzenberg:

Q. Miss Gertrude, I understand you say that Miss Florence came to the house and got you?

A. Yes sir.

Q. Was there any one in the house at that time?

A. No sir, just a little boy.

Q. How old is he?

A. Seven years old, my little cousin.

Q. Was there any one else there when you left?

A. No sir my aunt was out at the time.

Q. What time in the day was it that Miss Florence came to get you?

A. I don't know the time in the afternoon; it was about six o'clock, I guess, perhaps five.

Q. What was it she told you?

A. She said she was going to Beaumont, and I asked what for, and she said she did not know, to go down and a lady would tell me, that was Miss Effie.

Q. You asked what she was going for, and she said she did not know?

A. Yes sir.

Q. Why did she want you to go down and have a lady tell you?

A. I don't know. She told me she was going to Beaumont and I ought to go along, and did I want to go along.

Q. What Florence said was that she was going to Beaumont, and did you want to go along?

A. Yes sir.

Q. You asked her why she was going, and she said if you would come down the lady would tell you?

A. Yes sir.

Q. You went with her to Mr. Economides saloon?

A. Yes sir, I did.

Q. Did Economides say anything except when you came in he said "Here is the little girl I spoke about"?

A. That is all I remember; he said "Here is the little girl I was telling you about."

Q. You went into the wine room?

A. Yes sir, I did.

Q. Did you notice whether any of the people in there were intoxicated or not?

A. My two sisters were a little.

Q. Was Miss Effie Hoke intoxicated?

A. I don't know whether she was or not; I didn't notice whether she was or not.

Q. You don't mean to say that Mr. Economides was in the room all the time you were in there?

A. He would go down for a few minutes and then come back up.

Q. Sometimes he would leave and come back?

A. Yes sir. He was not there all during the conversation, but he was there most of the time.

Q. All you remember his saying was "here is the little girl I spoke to you about?"

A. He talked more to my older sisters; he didn't have much to say to me.

Q. When you left the house you closed the house and left the seven year old child there?

A. Yes sir, his mother would be home about six o'clock.

Q. You didn't go back?

A. When I started to go back they said "don't go, you will be late," and I didn't go.

Q. Who said that?

A. Miss Hoke.

Q. Miss Hoke went to the depot with you?

A. No sir.

Q. Didn't your sister tell you to hurry up?

A. No sir.

Q. Did you have a valise?

A. I didn't.

- Q. How many valises in the crowd?
A. A suit case and a little grip.
Q. Only one suit case?
A. Yes sir.
Q. Whose was that?
A. Annette's.
Q. Florence didn't have a suit case?
A. I think she had a hand grip.
Q. A little thing you could put a comb and brush and
a tooth brush in?
A. I suppose so, a small one.
Q. You had nothing at all?
A. No sir.

CROSS EXAMINATION BY DEFENDANT EFFIE
HOKE.

Questioned by Mr. Howth:

- Q. Give us the names of your sisters?
A. Annette and Florence Baden.
Q. What are the names of the other sisters?
A. Mannie and Maude.
Q. How old is Mannie?
A. She is 24.
Q. Give us the names of the others?
A. Maude.
Q. How old is she?
A. 25.
Q. The names of the others?
A. Annette.
Q. How old is Annette?
A. She is 21.
Q. The names of the others?
A. Florence.
Q. How old is Florence?
A. She is 19.
Q. The names of the others.
A. Myself.

Q. You are 18?

A. No sir, I am 17.

Q. Give the names of the others?

A. Virginia 15.

Q. Name the next one?

A. Essie.

Q. How old is she?

A. 12.

Q. Name the others?

A. Kate.

Q. How old is she?

A. 4 years old.

Q. Name the balance of them?

A. My little brother.

Q. How old is he?

A. One or 2, I can't keep the run of it.

Q. What is his name?

A. Joseph.

Q. Give us the names of the balance of them?

A. I have named all of them have I not.

Q. I don't know; you know better than I do?

A. The ones I have named is all I think, eight.

Q. How many aunts have you in New Orleans?

A. Two.

Q. What are their names?

A. One is Branch and the other is the same as ours,

Baden.

Q. What does Mrs. Branch's husband do?

A. I don't know myself, I don't know what he is.

My other uncle works on the railroad somewhere.

Q. You mean Mr. Baden?

A. Yes sir.

Q. Works on the railroad?

A. Yes sir.

Q. What does he do on the railroad?

A. I don't know, he never told me.

Q. He works for the railroad company?

A. Yes sir.

Q. What is his name?

A. J. G. Baden.

Q. How old is your aunt, Mrs. Baden?

A. I don't know, I think 29. I am not positive.

Q. Has she any children?

A. Yes sir, two.

Q. What are their names?

A. Norma and Elmer.

Q. Where does she live?

A. She used to live on Tulane Avenue; she lives on Bank now.

Q. What is Mrs. Branch's husband's name?

A. Jack.

Q. What does he do?

A. I don't know.

Q. How old is he?

A. I don't know; I never asked his age.

Q. About how old would you say he is?

A. I don't know how old he is.

Q. Have you got any other relatives in New Orleans?

A. That is all I have in New Orleans.

Q. Did you ever have any other relatives there?

A. My parents used to live there.

Q. Outside of your parents you never had any other relatives there?

A. No sir.

Q. How long have you been living in New Orleans?

A. Five months before I came to Beaumont. I have been in Beaumont some time.

Q. Did you ever live in any other city except New Orleans?

A. Yes sir, Slidell.

Q. I mean large city?

A. No sir. I have visited large cities, but I never lived there.

Q. What other large cities?

- A. Well, I don't know; Memphis was one.
- Q. Was your father and mother there?
- A. They used to live there.
- Q. Did you live there with them?
- A. I was not born there; my older sisters were.
- Q. Did Annette ever live in Memphis?
- A. Not that I remember she never did.
- Q. You visited Memphis after your parents moved away?
- A. Yes sir, I was small.
- Q. Who did you visit in Memphis after your parents moved away?
- A. Some girl.
- Q. What was her name?
- A. Alma something, my older sister knew her; I went with my older sister.
- Q. How long did you stay there?
- A. About a week or four days or something like that.
- Q. You are sure you never had any relatives in New Orleans except the two aunts you have named?
- A. That is all I remember living there.
- Q. Have you any other relatives except your mother and father?
- A. Yes sir, in Covington.
- Q. Who lives there?
- A. My uncles.
- Q. Any other relatives except your uncles?
- A. That is all on my father's side.
- Q. Are your grand-mothers both dead?
- A. My grand-mother is not dead on my father's side.
- Q. Your grand-mother on your mother's side is dead?
- A. Yes sir.
- Q. Your grand-father on your mother's side is dead?
- A. Yes sir.
- Q. Where does your grand-mother live?
- A. Just a block from my aunt.
- Q. She lives in New Orleans?

A. Yes sir.

Q. When did she move there?

A. I don't remember how long. My grand-mother lived at my aunt's; I forgot to say my grand-mother lived there.

Q. Have you more than one aunt by the name of Baden?

A. I have some in Covington. That is the only one in New Orleans.

Q. Are you sure of that?

A. Yes sir.

Q. You had forgotten about your grand-mother?

A. Yes sir.

Q. Is it possible you could have forgotten your other aunt?

A. I have no other aunts there by the name of Baden.

Q. You have only one aunt there by the name of Baden?

A. Yes sir.

Q. That is a fact?

A. Yes sir, it is.

Q. Whereabouts does your grand-mother live?

A. State and Patterson, I don't remember the number.

Q. State and Patterson?

A. Yes sir.

Q. Where did you live before you went to New Orleans?

A. Slidell.

Q. You have only been in New Orleans five months?

A. No sir, five months before I came to New Orleans, I mean Beaumont.

Q. How long have you lived there altogether?

A. I don't know; five or six months. I have been in and out, I never stayed there regularly.

Q. Did you work in New Orleans?

A. Yes sir, some of the time; I worked at Silverstein & Lopez's dry-goods store, and a candy store. I worked for Silverstein and for Lopez.

Q. How long did you work at the Lopez place?

A. About a month.

Q. What wages did you get there?

A. I worked for \$4.50 at first and then \$5.00.

Q. You worked there how long?

A. A month; those were the only two places I worked.

Q. At the time you came to Beaumont you were not working?

A. No sir, I was staying at my aunt's; I didn't have to work.

Q. That was Mrs. Branch?

A. No sir, Mrs. Baden.

Q. What street did she live on?

A. Tulane and Bank, I don't remember the number.

Q. Was your sister sober when she came out there to get you?

A. Yes sir, she appeared to be. She was not sober when she took the train.

Q. Was she sober when you got back to Economides?

A. Yes sir, she acted like she was.

Q. Didn't you say your two sisters were intoxicated?

A. Yes sir, when they got on the train.

Q. Didn't you say, on your direct examination, that when you came back to Economides' place your two sisters were intoxicated?

A. I didn't say my sister with me was; the other one was.

Q. You had two sisters there?

A. Yes, sir; one was drinking, when I went back, with Economides and Effie.

Q. Were your sisters intoxicated when you got back to Economides'?

A. Yes, sir; one of them seemed to be.

Q. That was Annette?

A. Yes, sir.

Q. You got there about what time?

A. About 7.

Q. You got drunk yourself?

A. I drank with the rest of them.

Q. You drank whiskey highballs?

A. Yes, sir; several things.

Q. Cocktails?

A. Yes, sir.

Q. Beer?

A. Yes, sir.

Q. Had you drank any cocktails before that?

A. No, sir.

Q. Did you ever drink beer before that?

A. Yes, sir.

Q. Have you been about Billie Seebold's wine room?

A. Yes, sir.

Q. Did you drink there?

A. Yes, sir; sometimes I would drink beer; I went with my sisters and girl friends.

Q. What girl friends did you go with?

A. I went with Aneta Memory is the only one I remember; I would go on upstairs; I would go there with Florence.

Q. How many times did you go to Billie's wine room with Florence?

A. Several times.

Q. How many times did you go to Economide's with Florence?

A. Twice.

Q. How many times did you go to Jack Robertson's place?

A. I never was there in my life.

Q. Were you ever intoxicated on beer before this occasion?

A. No, sir.

Q. Were you ever under the influence of it?

A. I never was intoxicated until I mixed drinks that night.

Q. How many glasses of beer does it take to intoxicate you?

A. I don't know; two or three, or one or two.

Q. You have drank beer on frequent occasions before that?

A. Yes, sir; one glass at a time.

Q. You mean to say that when you would go to the wine rooms you would drink only one glass in the evening?

A. We would hardly stay five minutes, and then go back home or where we were staying.

Q. What was your object in going to that place?

A. I met some girls there that worked in the same factory, and we would go down there together.

Q. Did you meet Effie before you left New Orleans?

A. Yes, sir; I saw her in the wine room there.

Q. You didn't have any conversation with her?

A. No, sir.

Q. She did not speak to you?

A. She said: "Yes; go to Beaumont, and you will have a nice time."

Q. Didn't you say you didn't have any conversation with her?

A. I said Economides.

Q. You did have a conversation with Effie?

A. Yes, sir.

Q. Did you have any conversation with Effie Hoke at the wine room?

A. No, sir; she didn't have so much to say to me; She said she was glad to meet me.

Q. Is that all she said to you?

A. Yes, sir.

Q. Did you have anything else to say to her?

A. No, sir; not at the wine room.

Q. Did she have anything else to say to you except she was glad to meet you?

A. She didn't to me; she talked to my sisters.

Q. She didn't have anything else to say to you except "I am glad to meet you"?

A. Yes, sir.

Q. What time did you go to Pauline's house?

A. I don't know what time; it was after dark.

Q. Effie was drinking?

A. Yes, sir.

Q. She was pretty drunk, was she not?

A. I never said she was drunk.

Q. I understood you to say that Effie was drinking?

A. She was drinking; I didn't say she was drunk.

Q. Was she under the influence of it?

A. I can't tell when anybody is under the influence, especially a woman.

Q. Did she drink more when she got to Pauline's?

A. Yes, sir; she drank beer.

Q. Did you drink while down there?

A. I taken a glass of beer.

Q. When you left Pauline's house, was Effie drunk or sober?

A. It seemed she was sober; she didn't look like anybody drunk to me.

Q. Was Pauline drunk or sober?

A. I don't know; I can't tell when a woman is drunk.

Q. Why did you say Effie was sober?

A. She looked like it; I don't know when they are drunk or sober.

Q. How can you tell your sister was drunk when you can't tell about the others?

A. I knew my sisters, and didn't know the others.

Q. You are not able to tell the jury with reference to Effie?

A. No, sir; I knew my sisters were a little intoxicated.

Q. You don't mean to tell the jury that Effie was sober?

A. I don't know whether she was drunk or sober.

Q. Is it not a fact that you never saw Effie Hoke in your life until you came to Beaumont?

A. I told you I met her in the wine room.

Q. Just answer the question?

A. Well?

Q. Is it not a fact that you never saw Effie Hoke in your life until she returned from New Orleans and met you here in Beaumont?

A. Yes, sir; I met her before.

Q. When was the first time you saw her?

A. When I went to Economides' wine room that Sunday night; it was Monday night.

Q. Are you sure of that?

A. That is when I met her.

Q. What time was it?

A. I don't know what time; it was after dark, I think.

Q. You went to the country with your sisters, did you?

A. No, sir; I don't know anything about that; I was at my aunt's at the time.

Q. You didn't go to the country?

A. No, sir.

Q. Did you go and get your suitcase before you left?

A. No, sir; I didn't bring a thing with me.

Q. Did you have your clothes sent after you got here?

A. No, sir; because I knew my aunt would not send them.

Q. Why did you think that?

A. I guess she found where we went.

Q. Did you know at that time your aunt would not send your clothes?

A. I guess she found out about where we were, and what kind of house we were in.

Q. You knew that before you left New Orleans?

A. No, sir; I knew after I got to Beaumont; I knew she would not let me come if I went back.

Q. You knew she would not let you come to Beaumont?

A. Yes, sir.

Q. Why did you think she would not let you come?

A. Because she is strict, and would not let me go out of town.

Q. How did you get a chance to meet your gentlemen friends in New Orleans?

A. I would say I was going to the theatre.

Q. You would go to the theatre, and go to some other place?

A. No, sir; very seldom; it was in the day time. There was only two fellows I ever stayed with before I come here.

Q. When you would meet those fellows, you would tell your aunt you were going to the theatre.

A. Yes, sir.

Q. You would go to the theatre, and then go some other place?

A. I would sometimes.

Q. You would tell your aunt where you had been?

A. No, sir; I would go to the theatre and would not meet anybody sometimes.

Q. Sometimes you would tell the truth, and at other times you would mislead her?

A. Yes, sir; I wouldn't tell her where I had been.

Q. You would tell her you were going to the theatre?

A. Yes, sir.

Q. You would meet your friends in the day time?

A. Yes, sir.

Q. Where would you meet them?

A. Uptown, at the theatre.

Q. Most of your friends met you in the day time?

A. There was only two fellows that I ever went with before I came to Beaumont; I met those two.

Q. The balance of your friends, what time did you meet them?

A. I met the two friends; I didn't have any others.

Q. You never met any strangers?

A. No, sir; only those two fellows I knew.

Q. Did you sometimes meet them at night?

A. No, sir; because my aunt went with me most of the time at night.

Q. Did you meet them at night sometimes?

A. No, sir; I did not.

Q. Where did you meet your friends in the day time?

A. Uptown, where we went; we went on a respectable street.

Q. I speak of the house to which you went, the room you went to?

A. It was a kind of rooming house.

Q. Who run that house?

A. I don't know the lady's name; it was on Condulett Street; they knew the lady, and said they used to room there.

Q. Each one of those fellows knew about the other one, did they?

A. No, sir; neither knew of the other.

Q. They would both take you to the same place, and one did not know about the other one going with you?

A. No, sir; they didn't know.

Q. Can you tell us what street the house was on?

A. Condulett and Julia Street.

Q. Which side of the street is it on?

A. The left side.

Q. Was it on the same side of the street the river was on?

A. No, sir; I don't think it was; I don't know much about that part of town.

Q. How long ago was the first time you met your friend there?

A. It has been—I don't know how long.

Q. Do you know Pauline Wilson there?

A. I met Pauline the same night I met Miss Effie.

Q. Was that the first time you ever saw Pauline?

A. Yes, sir.

Q. Do you know Carrie Bryant?

A. No, sir; I don't know Carrie Bryant.

Q. Did you ever go to a house run by a woman named Anna?

A. I never went with my sisters any place; I seldom went out with them.

Mr. Howth: For the purpose of a bill of exceptions, consider the same questions asked this witness in reference to a venereal disease which I asked the other.

The Court: Yes, sir.

Mr. Howth: We reserve an exception to the Court's ruling.

Q. I understood you to say when you came to Beaumont you had no idea of the place you were coming to?

A. No, sir.

Q. You didn't know Effie was running a sporting house?

A. No, sir; if I had, I would not have been in it

Q. You knew what a sporting house was?

A. I had heard of them; I had heard them spoken of; I never was in one.

Q. You knew what an assignation house was, did you?

A. Yes, sir; I knew what that was.

Q. You knew what a public house of prostitution was?

A. No, sir; I didn't; I didn't have any idea what it was.

Q. Had you not heard of such places?

A. I had heard of assignation houses is the only kind I had heard of.

Q. You knew what that meant, didn't you?

A. Yes, sir; I heard what it meant.

Q. You had some idea of what they were?

A. Yes, sir.

Q. Isn't it a fact when you left New Orleans you knew you were going to a sporting house that Effie Hoke run?

A. No, sir; she never said that at all.

Q. Didn't you tell Mr. Scurlock, subsequent to the time you were trying to get out of Effie's house early in the morning along in the first days of December——

A. That was my other two sisters.

Q. Didn't you tell Mr. Scurlock and others at his office and at other places at the time speak of, the 3rd of December, or along about that time, that when you came over here Effie Hoke told you she was taking you to a sporting house, or words to that effect, and that you could make more money in a sporting house, and that sporting girls were thought more of than working girls, and could wear jewels and working girls could not?

A. No, sir.

Q. Didn't you tell Mr. Scurlock at the time and place I speak of substantially that?

A. I did not.

Q. Then you had no idea what kind of a place you were coming to?

A. No, sir; if I had, I would not have come; I didn't think what it was.

Q. Did you have any curiosity as to the kind of place you were coming to?

A. No, sir; I didn't.

Q. Did you care what kind of place you were coming to?

A. Sure; but I don't think I stopped to think what kind of place it was.

Q. You had all night on the train to think in?

A. No, sir.

Q. It did not flash across your mind on the train?

A. We were mostly intoxicated on the train, and didn't know what we were doing until the next morning.

Q. The thought never occurred to you what kind of place you were going to?

A. It never occurred to me until the next day, when the girl told me; my sister did not know what kind of house she was going to.

Q. When your sister asked you to go, she did not know what kind of place you were going to?

A. I asked her what Economides wanted; I didn't think what kind of place it was.

Q. When your sister came out there to get you about 6 o'clock you were just finishing cleaning the kitchen, and your aunt was away, and she wanted you to quit everything right then and there and leave your clothes and come to Beaumont, or asked you if you wanted to come?

A. She said to me come up and see what the lady wanted.

Q. She told you a lady wanted you to go to Beaumont?

A. Yes, sir; she didn't try to persuade me.

Q. Did anyone persuade you to come?

A. It was almost persuasion after I met those people.

Q. You went at your sister's suggestion, of your own free will?

A. No, sir; I was almost persuaded to go by Miss Effie Hoke. I went up there to see what she wanted at the saloon.

Q. Your sister came out there, and you were in the kitchen cleaning up the kitchen?

A. Yes, sir.

Q. Your aunt was away?

A. Yes, sir.

Q. The idea of going to another city never occurred to you, and your sister came out there and told you a woman at the saloon wanted you to go to Beaumont, or words to that effect?

A. Yes; I asked what for, and she said she did not know.

Q. You left the house and went with your sister?

A. Yes, sir.

Q. The reason you did not take your clothes with you at the time you left the house was because you knew your aunt would not have permitted you to come to Beaumont?

A. Yes, sir; that is the reason I did not tell her about it.

Q. That is the reason you didn't take your clothes when you left?

A. I knew she would want to know where I was going, and if I went back she would not let me go; she never wanted me to go out of town.

Q. You intended to leave when you left the house?

A. No, sir; I intended to go back home.

Q. Is it not true, as you have stated, that when you left the house the reason you did not take your clothes was because you knew your aunt would not let you go?

A. I told my sister that I did not want to go to Beaumont; I was forced to go, is the reason I went.

Q. You left the house and went to the saloon with the intention of going to Beaumont?

A. I had no intention of going at all.

Q. You went down to the saloon out of curiosity, to find what the woman wanted?

A. Yes, sir; I went to find what she wanted.

Q. You never did find what she wanted, did you?

A. No, sir; it was never told to me that I was going into a house.

Q. You left your aunt's kitchen and went to the saloon out of curiosity, to see what the woman wanted you to go to Beaumont for, and yet you never asked what she wanted you to go for?

A. She said she had a private boarding house.

Q. You said you never asked her what she wanted you to go for?

A. She said she had a private boarding house, and wanted us to go.

Q. When you met her at the saloon you never asked her what you were to go for, what she wanted with you?

A. No, sir; she didn't tell me; she was talking to my other sisters.

Q. You never made any inquiry to find what she wanted with you?

A. She told us about a private boarding house she had at Beaumont.

Q. When you got to the saloon and didn't find out, why didn't you let her go and go back home?

A. She paid the railroad fare and paid our way.

Q. When you got to the saloon and she didn't tell you what she wanted you to go for, why didn't you go back to the house, and your answer was that she said you owed her and could not leave until you paid her?

A. No, sir; I didn't say that. You ask so many things it is hard for me to answer.

Q. Didn't you say, in answer to my question, that when you got to the saloon and did not find what she wanted that the reason you didn't go back to your aunt's house was because she said you owed her money?

A. She didn't tell us anything at Pauline's.

Q. Why didn't you leave the saloon and go back home?

A. They kept forcing us to go.

Q. Who did that?

A. Miss Effie Hoke and Miss Pauline.

Q. Didn't you say they never said a word to you at the saloon?

A. I said at the house; I never said at the saloon.

Q. I asked you why you did not go back home when you got to the saloon and did not find what they wanted?

A. They said to come and go to the house, and one of my sisters said for us to go to the house, that they wanted to see us over there.

Q. Your sister persuaded you to go?

A. No, sir; she asked me to go, and I went.

Q. It was because of what your sister said to you that you came to Beaumont?

A. Yes, sir. I don't say that; I would not have come to Beaumont if I had not been forced to by Miss Effie Hoke.

Q. What did she do to force you to come?

A. I didn't have to come, I guess.

Q. Did she force you to come?

A. If it had not been for her, I would not have come.

Q. Did she force you to come?

A. Yes, sir; she kept telling me to come.

Q. She forced you to come because she told you to come?

A. Yes, sir.

Q. You thought it was your duty to obey her?

A. I listened to her, as the rest of them did.

Q. It was not because your sister advised you to come that you came over here?

A. No, sir.

Q. Your sister advising you and persuading you to come never had anything to do with your coming?

A. Yes, sir; if she had not come out there I would not have come.

Q. Effie Hoke never said anything to you at the saloon except "Howdy, I am glad to see you"?

A. Yes, sir.

Q. Why didn't you turn back and go back home?

A. She said to come over to Miss Pauline's.

Q. Didn't you say she never said a word to you?

A. She spoke to my other sisters.

Q. You didn't go to Pauline's house because of anything she said to you; you didn't go to Pauline's house from the saloon because of anything Effie said to you?

A. She was forcing my other sisters to go, and I went where they went.

Q. You would go where they would go?

A. Yes, sir.

Q. She didn't say a word to you that persuaded you to go from the saloon?

A. No, sir; she forced my other sisters to go; she didn't say anything to me.

Q. You went along because she persuaded your sisters to go?

A. Yes, sir.

Q. Is that right?

A. Yes, sir.

Q. Simply because she persuaded your sisters to go, and that is the reason you went?

A. I followed the oldest ones; they were persuaded and forced, and I went with them.

Q. Your sisters were forced, and you followed their lead; is that correct.

A. Yes, sir; I suppose it is.

Q. You followed in your sisters' footsteps?

A. Yes, sir.

Q. You have been following in your sisters' footsteps all along?

A. No, sir; I have not in New Orleans. I would see my sisters once in two months.

Q. You followed their lead in New Orleans and out of New Orleans?

A. No, sir; Miss Hoke forced me to come to Beaumont, and I come.

Q. Forced you?

A. Yes, sir; forced me.

Q. Do you remember the occasion when your sisters, or one of them, left the house early one morning before Miss Effie was supposed to be awake?

A. Yes, sir; they could not get away any other way; I didn't blame them; I would leave, too.

Q. You remember the occasion?

A. Yes, sir.

Q. Do you remember that that was about the time the fair was here?

A. There was a fair here while I was here.

Q. The fair was here about the time your sisters tried to leave; isn't that true?

A. I don't know when the fair left; I don't remember.

Q. Do you remember that the fair was here?

A. Yes, sir; it was here since I have been in Beaumont.

Q. While you were at Effie Hoke's house, the fair was going on in Beaumont?

A. Yes, sir.

Q. Do you remember about the time it was here?

A. I don't remember the date.

Q. I mean the occasion?

A. I don't remember when it went away; I never tried to keep up with the dates.

Q. I remember the occasion; do you remember the time it was here?

A. No, sir; I don't.

Q. Do you remember the occasion your sisters left the house early in the morning?

A. Yes, sir.

Q. At the time they were said to have been arrested?

A. They were arrested for vagrancy by Miss Effie Hoke.

Q. I am trying to direct your mind to something else: Do you remember one Sunday afternoon; you still stayed at the house after she left?

A. Yes, sir; I had to; I owed them, and was not going to try to run off.

Q. Did you stay there?

A. Yes, sir; I stayed.

Q. How long did you stay there after your sisters left?

A. I don't know how long.

Q. Now, between the time your sisters left the house and the time you left the house, do you remember the time?

A. I don't remember the dates.

Q. Is it not true that one Sunday afternoon, after your sisters left, that Effie Hoke personally, in the presence of Hazel Hoke and in the presence of Huck—You know them, don't you?

A. No, sir; I don't; I may have seen them.

Q. In discussing this matter in their presence, didn't you say that you felt that Effie had treated you all right?

A. I did not.

Q. And that you girls were all sporting girls in New Orleans?

A. No, sir; I did not.

Q. That you all came over here because you wanted to come where you could make more money?

A. I didn't say that.

Q. And that they kept ribbing this thing up against Effie?

A. I did not.

Q. Didn't you say that in the presence of Officer Martin?

A. I am telling you the things I said; I didn't say what you say.

Q. Didn't you say in the presence of Officer Martin that you were more than 18 years of age?

A. I said that because I was forced to; I was right in the house by myself, and I was forced to say it.

Q. Did you say it?

A. Yes, sir; I did.

Q. And that you left New Orleans of your own free, voluntary will?

A. No, sir; I did not.

Q. They could not force you to say that?

A. She said I had better say I was over 18 or there would be something doing.

Q. They could not force you to say that you left New Orleans of your own free will?

A. No, sir; I said I was over 18 because she forced me to say it.

Q. She did not tell you to say that you left of your own free will?

A. No, sir; she told me to tell them that I was over 17 years old.

Q. Did Effie buy you any clothes at the Fashion, Jones' place?

A. No, sir; she bought some from these old peddlers, not worth walking on the street for.

Q. Did she buy any at the dry goods stores?

A. Not that I remember; she might have bought some, some for the other girls, not for me.

Q. Don't you know she bought some for the other girls?

A. No, sir; I didn't run their affairs.

Q. They didn't run yours?

A. Yes, sir; they run mine; I didn't run theirs.

RE-DIRECT EXAMINATION.

Questioned by Mr. Ownby:

Q. The defendant's counsel, Mr. Howth, asked you if you did not tell Mr. Martin, the policeman, that you were over 17 years old; you said yes; you had to do it?

A. Yes, sir.

Q. Who made you?

A. Miss Effie told me when they came to tell them I was over that.

Q. What did she say?

A. She said I had better say it when they came; I had better tell them I was over 17.

MRS. CARRIE BRYANT, A WITNESS FOR DEFENDANTS, TESTIFIED:

Questioned by Mr. Luzenberg:

Q. What is your name?

A. Mrs. Carrie Bryant.

Q. Where do you live?

A. No. 127 North Rampart Street.

Q. In New Orleans?

A. Yes, sir.

Q. Is your place near the saloon or wine room occupied by William Seebold in New Orleans?

A. Yes, sir; across the way.

Q. You have seen these three girls since you have been a witness in this case—Annette Baden, Florence Baden and Gertrude Baden; have you seen them out in the hall?

A. Yes, sir.

Q. Did you know those girls before you came to this trial?

A. They lived with me.

Q. How many of them?

A. Three of them.

Q. What name did they go by then?

A. Bedone.

Q. What were their first names?

A. She did not go by the name of Annette, but Annie, and Florence and Gertrude.

Q. How long did they live with you?

A. Nearly three months.

Q. Do you remember what year that was?

A. This last July; July to September.

Q. Of last year?

A. Yes, sir.

Mr. Luzenberg Asks that the three girls—Annette, Florence and Gertrude Baden—be brought into court, which is done.

Q. You see those three girls?

A. Yes, sir.

Q. You see them now?

A. Yes, sir; I see them.

Q. Are those the three girls?

A. Yes, sir; that is the three.

Q. During the months they were at your house, the months you have mentioned, do you know whether those girls were engaged in any work?

A. They came to me with the understanding that they were working at First & Kramer's.

Q. Do you know whether they were or not?

A. No, sir.

Q. What was their habits as to leaving the house and coming in at night and getting up in the morning; what hours did they come in?

A. All hours: 2, 3, 4 and 5 o'clock in the morning.

Q. All three of the girls?

A. Yes, sir; all three of them.

Q. What time did they get up as a rule?

A. Around 11 and 12 o'clock in the day.

Q. Did any of those girls have any men company come to your house to see them?

A. No, sir.

Q. Did any men call at your house for them?

A. No, sir.

CROSS-EXAMINATION.

Questioned by Mr. Ownby:

Q. You did not serve meals at your house?

A. Yes, sir; I did, but I cut it out; my mother kept the premises.

RE-DIRECT EXAMINATION.

Questioned by Mr. Luzenberg:

Q. Did you serve meals when they were at your house when they were there?

A. No, sir; I gave the meals because they didn't have anything to eat.

Q. You did give them meals?

A. Yes, sir; they didn't have nothing to get anything to eat with.

RE-CROSS EXAMINATION.

Questioned by Mr. Ownby:

Q. Who didn't?

A. The girls didn't have any money to get themselves anything to eat. I didn't keep any boarders.

Q. You would give them something to eat now and then, because they didn't have any money?

A. No, sir; they didn't have any at all.

Q. How do you pronounce Baden?

A. Bedone, it is French.

Q. Do you know how it is spelled?

A. No, sir; they pronounced their names at the house Bedone.

RE-DIRECT EXAMINATION.

Questioned by Mr. Luzenberg:

Q. Did you give them something to eat every day, or just once in a while?

A. As often as I could catch them in the house and knew they didn't have anything, I would give them something.

Questioned by Mr. Howth:

Q. They would run around saloons?

A. Yes, sir; that is why I put them out.

Q. Did you ever see the little girl, Gertrude, intoxicated?

A. No, sir.

Q. Did you ever see Florence intoxicated?

A. Yes, sir; her and Annie.

Q. Did you ever see Gertrude in such a condition as you would describe as drunk?

A. No, sir.

MRS. J. R. GRINAGE, A WITNESS FOR DEFEND-
ANTS, TESTIFIED AS FOLLOWS:

Questioned by Mr. Luzenberg:

Q. Your name is Mrs. Grinage?

A. Yes, sir.

Q. You live in New Orleans, do you?

A. Yes, sir.

Q. Have you any occupation in New Orleans?

A. Rooming and boarding house.

Q. Where is that?

A. No. 621 St. Charles Street.

Q. That is just a square above Canal Street?

A. No, sir; five and a half exactly.

Q. Do you know Annette Baden, Florence Baden and
Gertrude Baden?

A. Yes, sir.

Q. You have seen those three girls here?

A. Yes, sir.

Q. Since you have been here as a witness?

A. Yes, sir.

Q. Did those girls, or any of them, ever stop at your
house?

A. Yes, sir.

Q. Do you remember when that was?

A. That was in July some time.

Q. July?

A. Yes, sir.

Q. Did they ever stop at any other time at your
house?

A. No, sir.

Q. Were they in your house in October or November.
1910?

A. No, sir.

Q. Were they there at any time during 1909?

A. No, sir.

Q. The only time they stopped at your house was the first three weeks in July, 1910?

A. Yes, sir.

Q. Do you know where they went from there?

A. No. 127 North Rampart Street.

Q. Who kept that house?

A. Mrs. Carrie Bryant.

Q. Do you know whether they were working while at your house?

A. They came in as working girls, but they were not working.

Q. What time, as a rule, did they come in?

A. All times at night and in the morning; all times of night and all times of day.

Q. What do you mean by all times?

A. They had keys, and could come in whenever they wanted to.

Q. Did you hear them come in?

A. Sometimes I did, and other times I did not.

Q. What time did they come in?

A. Sometimes 2 or 3 o'clock in the morning and up to 3:30.

Q. What time, as a rule, did they come in?

A. Twelve-thirty.

Q. Did they have men call at your house to see them?

A. Yes, sir.

Q. The same men all the time, or different men?

A. Different men.

Q. Was there any reason why those girls left your house?

A. Yes, sir.

Q. Why was it?

A. I put them out.

Questioned by Mr. Howth:

Q. Why did you put them out?

A. Because I could not keep such girls in my house.

Q. What kind of girls are they?

A. I could not exactly say.

Q. What was their reputation while there?

Mr. Dailey objects.

The Court: The question is: What was their reputation?

Q. From what you heard people say of them, and what you saw of them yourself, do you know what kind of girls they were with reference to being virtuous or street-walkers or prostitutes?

A. They were not virtuous girls.

Q. Did they have the reputation of being street-walkers or prostitutes?

A. Well, yes, sir; after they came into my house.

Mr. Dailey: That is not reputation, what she saw herself. Reputation means what other people say about them.

Q. Did you ever hear other people speak about those girls?

A. Yes, sir.

Q. What was the reputation of those girls among the people that knew them in New Orleans?

A. Nothing at all, the way they spoke.

Q. That they were prostitutes or virtuous girls?

A. That they were not virtuous girls?

Q. Was their reputation that of prostitutes?

A. I heard they were.

Q. Common prostitutes?

A. Yes, sir.

Q. Do you know what a street-walker is from what you have heard them say?

A. A street-walker certainly is a prostitute.

Q. Were they street-walkers?

A. Yes, sir.

Q. Did you hear about their visiting wine rooms?

A. No, sir.

Q. Do you know what the reputation of wine rooms in New Orleans is as to the character of people that frequent those places?

A. Street-walkers visit wine rooms.

Q. Street-walkers and common prostitutes?

A. Yes, sir.

Q. Do you know what kind of place Miss Carrie Bryant keeps?

A. No, sir.

Q. By reputation?

A. No, sir.

Q. Have you ever heard her place discussed?

Mr. Dailey: We object to that. He is trying to impeach his own witness.

Objection sustained.

Mr. Howth: We can state the purpose in our bill of exceptions, and we can state what we expect the witness to testify?

The Court: Yes, sir.

Q. Are those three girls sisters?

A. Yes, sir; those three are sisters.

Q. Did you tell me at any time that one was not the sister of the other two.

A. These are not the ones; I meant another one besides these three.

Q. Do you know what the reputation of these girls was in Slidell where they came from?

A. No, sir.

Q. Did anybody from Slidell speak to you about them?

A. No, sir.

Q. Do you know Dr. Little?

A. Yes, sir.

Q. Did you ever hear him speak of them?

Mr. Dailey objects, as immaterial and irrelevant and not the proper way to prove reputation.

Objection sustained.

Defendants except.

CROSS-EXAMINATION.

Questioned by Mr. Ownby:

Q. Do you know Mr. Economides?

A. Yes, sir; I have known him only since this case came up.

Q. Do you know where his saloon is?

A. No, sir.

Q. You don't know anything about that?

A. No, sir.

Q. Did you know him at all before this case?

A. No, sir.

THERESA FLOOD TESTIFIED FOR THE UNITED STATES AS FOLLOWS:

Questioned by Mr. Dailey:

Q. State your name to the jury.

A. Theresa Flood.

Q. Where were you living in November of last year?

A. No. 1725 Orleans Street.

Q. New Orleans, La.?

A. Yes, sir.

Q. When did you come to Beaumont?

A. I left Beaumont, or I mean New Orleans, Monday night and got into Beaumont Tuesday morning at seven o'clock.

Q. You left Monday night?

A. Yes, sir; at 9:15 or 9:30.

Q. Did anybody come to Beaumont with you?

A. Yes, sir; three other girls besides myself came to Beaumont with me.

Mr. Luzenberg: We wish to note the same objection as to the defendant Economides.

Objection overruled.

Defendants except.

Q. Who was it came with you?

A. Annette Hays, Florence Hays and Gertrude Hays.

Q. Where did you see them first that day?

A. I met them that night about 7:30 at Pauline Wilson's.

Q. Were you at Pauline Wilson's.

A. Yes, sir.

Q. Who else was at Pauline Wilson's that night?

A. Noobody else that I know of.

Q. Were you there when the girls came?

A. Yes, sir.

Q. What time did they come?

A. Well, about fifteen or twenty minutes before we left for the train.

Q. Who was there at the house when they came; did they come by themselves; do you know how they came there?

A. They came there in a taxicab, the three girls by themselves.

Q. Who was at the house when they came besides yourself?

A. Miss Effie Hoke and Pauline Wilson.

Q. When these girls came in, what was their condition with reference to whether they were drinking or not; could you tell?

A. No, sir, I could not tell; I just met them.

Q. You don't know what condition they were in as to drinking?

A. No, sir.

Q. Was there anything said as to coming to Beaumont?

A. No, sir; one said they were coming with me; I was there and coming to myself, and these girls came with me.

Q. Did Effie Hoke say anything about the girls coming to Beaumont?

Mr. Howth objects, as leading.

Objection overruled.

Defendants except.

The Witness: Why, yes, she told me they were going, and when I got there that evening the housekeeper told me.

Q. Don't tell what the housekeeper told you; what did Effie Hoke tell you, if anything, after the girls came?

A. That she had two girls, and perhaps three, and she wanted me to take them over with me.

Q. Wanted you to do what?

A. Take them over with me, as I was coming over.

Q. Over to Beaumont?

A. Yes, sir; Beaumont, Texas.

Q. When was that?

A. On the 14th day of November?

Q. Had the girls gotten there at that time or not?

A. No, sir; they had not gotten there yet.

Q. Go ahead and tell what occurred there after the girls came and before you left for the train as you remember it.

A. All I remember is that I was introduced to Effie and we didn't have much time, and we had to go to the train and the money was handed to me.

Q. What money?

A. To pay the girls' fare.

Q. Who handed you the money?

A. Effie Hoke.

Q. How much money did she give you?

A. Forty-five dollars.

Q. Did she tell you what she wanted you to do with the money?

A. Buy the tickets.

Q. For these girls?

A. Yes, sir; I paid my own fare with my own money.

Q. How were the girls dressed when they came there?

A. I know all of them had shirt waists and skirts on.

Q. Was there any change made in the dress of the girls there?

A. Yes, sir; their hats.

Q. Whose hats were changed?

A. Annette's and Gertrude's; in fact, Gertrude did not have a hat.

Q. Where did she get a hat?

A. Miss Pauline Wilson gave her one.

Q. You say they gave Annette another hat; who gave that to her?

A. Miss Effie Hoke.

Q. Did Effie tell you where to take the girls when you left New Orleans?

A. Yes, sir; she told me to take them to her house.

Mr. Howth: We object to that as leading.

Objection overruled.

Defendant excepts.

Q. Answer the question; what did you say?

A. Yes, sir; she told me to take them to her house on Bonham Street.

Q. In what place?

A. The Reservation.

Q. In what city?

A. Beaumont, Texas.

Q. Go ahead now; after the hats were changed, where did you go?

A. Right on to the Union Station in New Orleans.

Q. What took place there?

A. I bought the tickets.

Q. Over what roads?

A. The Southern Pacific.

Q. Did you get on the train?

A. Yes, sir; got right on the train.

Q. You came on from New Orleans to Beaumont?

A. Yes, sir; and got in here at seven-something Tuesday morning.

Q. What coach did you come in?

A. In the chair car.

Q. Did you stay in the same car from New Orleans to Beaumont?

A. Yes, sir.

Q. What time did you get to Beaumont?

A. At 7:15 or 7:30.

Q. Where did you go to after you got to the depot at Beaumont?

A. Took a cab and went to Miss Effie Hoke's.

Q. Is that a house of prostitution in this city?

A. Yes, sir; it is.

Q. How long did you stay at this house?

A. About a month and a half.

Q. Who left first, these girls or you, these four girls—Annette, Florence, Gertrude and Ouida Landry?

A. They did.

Q. You were living in the house at the time they left?

A. Yes, sir; I was.

CROSS-EXAMINATION BY DEFENDANT EFFIE
HOKE.

Questioned by Mr. Howth:

Q. Do you know what kind of place Carrie Bryant ran?

A. No, sir; I do not.

Q. On North Rampart Street?

A. No, sir; I do not know her at all.

Q. Do you know what part of town 127 North Ram-part Street is?

A. No, sir; I do not.

Q. Do you know where Billie Seebold's wine room is?

A. No, sir; I do not.

Q. You don't know whether that is outside of the restricted district or not?

A. No, sir; I never was in it.

Q. Do you know a woman named Anna?

A. No, sir.

Q. Do you know her reputation?

A. No, sir.

Q. Do you know Carrie Bryant's place by reputation?

A. No, sir.

Q. What house were you in over there?

A. I was at home with my folks.

Q. You were not a sporting woman in New Orleans?

A. Yes, sir.

Q. What house were you in there?

A. I visited them all.

Q. The assignation houses?

A. Yes, sir.

Q. You had never known these girls before?

A. No, sir; I never met them before that night.

Q. Did they tell you their names?

A. Yes, sir; they told me their names were Annette Hays, Florence Hays and Gertrude Hays.

Q. Did they tell you that was the names they were going by in New Orleans, and that their names was Baden?

A. No, sir.

Q. Where did they tell you that was their names; what place were they?

A. On the train.

Q. Did you ask their names?

A. No sir, they asked my name and I told them, and they gave me their names.

Q. They told you their name was Hays?

A. Yes sir.

Q. Did they know they were going to a sporting house in Beaumont?

A. I could not tell you; I didn't ask them.

Q. They were present when Effie told you to take them to Beaumont to the reservation?

A. Yes sir.

Q. They heard that statement.

Q. Would they not know from that statement that they were going to a house of prostitution?

A. I guess they did.

Mr. Ownby: We object; that would be a conclusion of the witness.

The Court: She has answered it; you can cross examine her if you desire.

Q. The girls heard Effie Hoke say and were present when she said for you to take them to her house in the reservation?

A. She didn't say reservation, she said her house.

Q. You said on direct examination that she said for you to take them to her house in the reservation?

A. Yes sir, I made a mistake.

Q. How did you come to make that mistake?

A. I just made a mistake.

Q. Is it not a fact that those girls told you that they had been wanting to leave Beaumont, wanting to leave New Orleans because they could not make anything there in the sporting business?

A. No sir, they did not.

Q. What did they say in that connection?

A. They never spoke to me on that subject at all.

Q. What was the conversation coming over here?

A. They never said much at all. I was asleep myself all the way; I went to sleep.

Q. You went to sleep?

A. Yes sir.

Q. Were you drinking that night, Theresa?

A. No, I was not drinking.

Q. Did you notice whether the girls were drinking or not?

A. No sir, that was the first time I met them.

Q. Effie was drinking was she not?

A. Yes sir, Miss Effie was drinking, so was Pauline Wilson.

Q. Was Effie drinking considerable?

A. I could not say, she did not drink much at the house.

Q. She appeared to be under the influence when she came to the house?

A. Yes sir, they were both under the influence of liquor.

Q. I understand you to say that those girls came to the house by themselves?

A. Yes sir, in a taxicab by themselves.

Q. What time in the day did they come there?

A. Near train time.

Q. A short time before train time?

A. Yes sir, 15 or 20 minutes.

Q. The train left at nine o'clock?

A. Yes sir, 9:30 or 9:50 I don't know which.

Q. Pauline runs a sporting house, does she not?

A. Yes sir, an assignation house.

Q. Did you girls drink anything between seven and the time you left the house to go to the depot?

A. I didn't.

Q. Did you drink anything?

A. No sir.

Q. You didn't?

A. No sir.

Q. Did Pauline drink anything?

A. Yes sir, I think so; they all drank.

Q. They all drank?

A. Yes sir.

Q. Did Gertrude drink?

A. Yes sir, Gertrude and all of them drank.

Q. How many drinks did Gertrude take?

A. I didn't pay any attention to it; I don't know how many.

Q. Did you notice whether she took one drink and quit or took several drinks?

A. No sir, I suppose she took several; there were several bottles brought in.

Q. Florence drank several bottles?

A. Yes sir.

Q. And Annette several bottles?

A. No sir, not several bottles; I mean glasses.

Q. Pauline and three girls were in the parlor drinking?

A. Yes sir.

Q. What was the line of conversation between seven and nine before you took a cab and went to the depot; what was talked about?

A. The only thing that was talked about was that we would go to Beaumont together. I got an introduction to the girls and Miss Effie gave me the money to pay their way.

Q. What was the subject of the conversation?

A. I forget, I don't know.

Q. You certainly did not sit there two hours and look at each other without saying anything?

A. No sir, I don't remember the conversation.

Q. You tell the jury you can not remember what was said?

A. No sir.

Q. You don't remember what was the subject of the conversation?

A. No sir. I knew where I was going, but I don't know whether these girls did or not.

Q. How did you refer to the house; what did you call the house in referring to it?

A. I don't know.

Q. You wanted to come over here?

A. I came of my own accord.

Q. You knew Ouida Landry was here?

A. No sir, I didn't know her. I never met her until I got to Beaumont.

Q. Do you know whether or not those girls knew Ouida Landry?

A. No sir, they never said anything to me about her.

Q. You came on your own accord?

A. Yes sir.

Q. You came over here because you thought you could make more money over here?

A. Yes sir, sure.

Q. You had heard that Beaumont was a good town for sporting girls?

A. Yes sir, I had.

Q. You heard that?

A. Yes sir.

Q. Where did you hear that?

A. In different places.

Q. That Beaumont was a good place for sporting girls?

A. Yes sir, that any part of Texas was.

Q. New Orleans is considered a bad place for girls of that sort?

A. I don't know because I did not go around there.

Q. Don't you know as a matter of fact that it is a poor place for girls to get along because there is so many of them?

A. If she wants to make a living right she can.

Q. If she wants to make a living right?

A. Yes sir.

Q. How would she make it?

A. Go out and see different men.

Q. I will ask you this question, if the money you make in that way in New Orleans is not less than it is in Texas?

A. Yes sir.

Q. That is generally known among the girls in New Orleans, is it not?

A. I guess so.

Q. Now, these wine rooms are places where street girls go to pick up men?

A. I could not tell you anything about that.

Q. Isn't that the reputation of the wine rooms?

A. Yes sir.

Q. You know that to be a fact?

A. Yes sir.

Q. That they are places where men go to pick up girls, and where the girls go to be picked up; isn't that true?

A. I could not tell you anything about it.

Q. I mean from the reputation of the places?

A. Yes sir, from what I have heard of them.

Q. You never go to the wine rooms?

A. No sir.

Q. You were never in a wine room in New Orleans in your life?

A. No sir.

Q. How did you get in communication with your men friends over there?

A. I was sent for by the ladies who run the places of assignation.

Q. They would know the names of the girls who did these things?

A. Yes sir. They have their telephone numbers.

Q. They would send for them for different men?

A. Yes sir.

Q. Did some of the girls walk the street?

A. I don't know. Some of them have that reputation.

Q. Did Effie tell you that her house was a sporting house?

A. Yes sir.

Q. Where did she tell you that?

A. When I met her Sunday night at Miss Pauline's.

Q. Effie had been there some days?

A. Yes sir, she had.

Q. She had been in New Orleans ten days?

A. I don't know how long.

Q. She had been there some days?

A. Yes sir, I guess so.

Q. How long have you been a sporting girl in New Orleans?

A. Four years.

Q. I will ask you if it is not true that some girls who play the assignation houses and walk the streets do not have runs of hard luck, and don't make any money for a period of time?

A. Yes sir, sometimes.

Q. They have a stroke of hard luck?

A. Yes sir.

Q. And don't hardly make enough to clothe and feed themselves?

A. Yes sir.

Q. I will ask you if it is not true that New Orleans is overrun with sporting girls?

A. I guess it is.

Q. They get out of there when they have a chance?

A. I guess some of them do, I don't know.

Q. It is known among the sporting girls there that New Orleans is a hard place for sporting girls?

A. I don't know.

Q. You never discussed that with the girls?

A. No sir.

Q. As a matter of fact from your own knowledge and observation don't you know it is a hard place for a girl to make a living?

- A. Yes sir.
- Q. And that Texas is a far better place?
- A. Yes sir, in a way it is. In other ways it is not.
- Q. I mean in reference to making money?
- A. You have as hard a time in Texas as in New Orleans.
- Q. You have hard luck everywhere once in a while?
- A. Yes sir.
- Q. Did the girls tell you why they changed their names from Baden to Hays?
- A. They never changed,—they never said they changed their names at all.
- Q. Did they tell you anything about their previous habits there?
- A. No sir.
- Q. They never discussed that at all?
- A. No sir.
- Q. Now, you met them at Pauline's place Sunday?
- A. Yes sir, Sunday night.
- Q. Did you stay at Pauline's place Sunday night?
- A. No sir, I did not.
- Q. What time did you leave Pauline's place Sunday night?
- A. About ten o'clock, I don't remember.
- Q. Was Effie there during the time you were at Pauline's place?
- A. Yes sir, she was all the time.
- Q. What time did you go back to Pauline's place?
- A. I went there about four o'clock in the evening first.
- Q. You stayed there until you went to the train?
- A. No sir, I went off and came back about six o'clock.
- Q. You went at four and stayed until six?
- A. No sir, I left and came back at six; I just went there to see Miss Effie and Pauline and neither of them was at home.

Q. You then came back at six o'clock and found both of them there?

A. Yes sir.

Q. Did you see anybody else there at Pauline's Sunday evening between six and ten o'clock?

A. No sir.

Q. Now, that was Monday was it not?

A. When I went there again?

Q. Yes?

A. Yes sir, when I went back again.

Q. At six o'clock Monday evening both Effie and Pauline were at Pauline's house?

A. Yes sir.

Q. Now what time was it that these girls came there; I believe you have already stated that?

A. Yes sir.

Q. About seven o'clock?

A. Yes sir.

Q. Then from six to seven you and Pauline and Effie were at Pauline's house?

A. Yes sir.

Q. And you drank some?

A. Pauline drank.

Q. While there Effie drank?

A. Yes sir.

Q. Do you remember how many bottles Effie drank?

A. No sir.

Q. There were several?

A. I don't remember how many.

Q. Between six and seven o'clock on Monday afternoon how many bottles did Effie drink, would you say?

A. I don't know how many they drank.

Q. From seven to nine they all drank?

A. Yes sir, they were all drinking.

Q. Effie continued to drink?

A. Yes sir, they all continued to drink.

Q. Every few minutes they ordered bottles?

A. I guess at intervals they did.

Q. They kept up from about six to fifteen minutes before train time, which was 9:30, about three hours, and you say Effie was drinking when she came there?

A. Yes sir, she and Pauline were both drinking.

Q. You could see she was under the influence of liquor.

A. Yes sir.

Q. Now what you have related on direct examination about the money was said there?

A. Yes sir.

Q. All that was said about the money was said in the presence of Effie Hoke, and you have stated that on direct examination?

A. She gave me the \$45.00 to pay the girls' fare. She said I was the oldest girl and had traveled more, and she handed me the money.

Q. That was all that was said?

A. Yes sir.

Q. You are sure of that?

A. Yes sir, I am sure of that.

OIDA LANDRY TESTIFIED FOR THE UNITED
STATES AS FOLLOWS:

Questioned by Mr. Dailey:

Q. State your name to the jury?

A. Ouida Halcomb. I went by the name of Landry here.

Q. Ouida Landry is the name you went by here?

A. Yes sir.

Q. When did you come to Beaumont?

A. I think the 11th of November, somewhere along there.

Q. About the 11th of last November?

A. Yes sir.

Q. Where did you come from?

A. New Orleans.

Q. How did you happen to come over here?

A. I was at Miss Pauline Wilson's house and met Miss Effie Hoke.

Q. Where was her house?

A. 908 St. Louis Street.

Q. New Orleans?

A. Yes sir.

Q. You were visiting her house and there met Effie Hoke?

A. Yes sir.

Q. What did Effie tell you, if anything; did she tell you anything?

Mr. Howth: Is she charged with persuading this girl?

Mr. Dailey: No sir.

Mr. Howth: We object to that testimony.

The Court: The question is what the defendant told the witness.

Mr. Howth: The evidence shows she was at Beaumont at the time the girls got here.

The Witness: I was at Miss Pauline's when Miss Effie came there; I was visiting there, and Miss Effie told me she came to New Orleans to get some girls.

Q. When was that?

A. In November. She said there would be a big carnival here and she wanted some girls, and she said if I knew any girls she would give me \$10.00 apiece to get them. I told her I didn't know any girls, and she asked me if I wanted to come, and I told her I didn't want to come, and Miss Pauline said, "You go over there, and if you don't like it, I will pay your way to come back," and Miss Effie told me herself if I didn't like it, I could come back.

Q. When did you come over here?

A. I got here November 12.

Q. Where did you go after you got here?

A. I don't know the number of the house, Effie Hoke's on Bonham Street.

Q. What kind of house is that?

A. It is a public house of prostitution. She told me before I left New Orleans that she had a private assignation house.

Q. She told you before you left New Orleans that she had a private assignation house, but the house she was keeping was a public house of prostitution?

A. Yes sir.

Q. Do you know Gertrude Hays, Annette Hays and Florence Hays?

A. Yes sir.

Q. When did you first know them?

A. I knew them three or four weeks before I came over here. I knew Gertrude longer than any of them.

Q. Did you see them after they came to Beaumont?

A. Yes sir.

Q. Where did they go?

A. They came to Miss Effie's house.

Q. How is that?

A. They came to Miss Effie's house on Bonham Street.

Q. What time did they get there?

A. I don't know what time; it was early in the morning. I was in bed asleep, and Miss Effie was not there, and Miss Lucile, Pauline's daughter asked me—

Q. Don't say anything she said; when did you first see the girls there?

A. That same morning.

Q. What time?

A. Half past seven or eight.

Q. Where did you see them?

A. They came into my room.

Q. They came in your room?

A. Yes sir.

Q. Did you have any conversation with them?

A. Yes sir, I said "What are you doing here," and they said they came over here to go to work, and I said "My goodness, this is a fine place to go to work," and they said why and I said, "This is a house right down in the District, and they said they didn't know it.

Mr. Howth: We object to the statement made out of the presence of the defendant, Effie Hoke.

The Court: She can answer as to whether she informed them what kind of house it was, but what the girls said I exclude from the jury.

Both defendants except.

Q. Now, where was Effie Hoke when these girls got there Tuesday morning?

A. She was at Miss Pauline Wilson's house .

Q. She was not here?

A. No sir.

Q. She was not at her house in Beaumont?

A. No sir.

Q. When did she come with reference to the time the girls came?

A. I think the next morning or the day after that.

Q. Either the next morning or the day after that?

A. Yes sir.

Q. Did you hear any conversation between any of these girls and Effie Hoke?

A. Yes sir, I heard them tell her they wanted to go home, and she said she was out about \$500.00 on her trip to New Orleans.

Q. You say you heard the girls say they wanted to go home?

A. Yes sir.

Q. What did she say?

A. She said she had been out a lot of money down there, and that they must pay her what they owed her, that she was out their fare and board bills and hack fare. and they were not going to leave until they paid.

Q. That she had been out five hundred dollars on a trip to New Orleans to get girls?

Mr. Howth objects as leading.

Objection sustained.

Q. Now, did they become inmates of that house of prostitutes, house of prostitution?

A. Yes sir.

Q. They lived there and became prostitutes in this town?

A. Yes sir. They had to stay there; they could not get away.

Q. How long did they stay there?

A. Florence and myself left the first of December.

Q. You and Florence?

A. Yes sir.

Q. What time did you leave?

A. Five o'clock in the morning.

Q. Why did you leave at five o'clock?

A. Because the night before I went down stairs, and Miss Effie shoved me across the hall and balled me out, and a man says "Why don't you leave," and I said I owed Miss Effie a bill and I could not leave.

Q. Don't state what the man said?

A. She balled me out.

Q. Who did?

A. Miss Effie did because I came down stairs in my wrapper; she said no one was allowed down there unless they had tight clothes on; I came down to turn in some money, and I went up stairs crying and a man said "Why don't you leave, I will help you get your suit case out."

Mr. Howth objects.

The Court: I sustain the objection to what the man said.

Q. You say you and Florence left there about five o'clock in the morning?

A. Yes sir.

Q. Where did you go?

A. The Neches Hotel.

Q. Did you go to the hotel?

A. Yes sir.

Q. Were you arrested that day?

A. Yes sir, the officers came up and took us out and to the station.

Q. What time were you arrested?

A. About six o'clock in the morning.

Q. Who arrested you?

A. I don't know, sir; I think one of them was Teddy, the big, stout officer.

Q. A policeman?

A. Yes sir.

Q. Now you say when you heard this conversation when Effie Hoke came back, and when the girls came and told her they wanted to go back home, and she told them she would not let them go back home until they paid her?

A. Yes sir, she was sitting down there and counted over what they owed her, but I could not tell you what it was. She said they owed her hack fare and a week's board and their way over here. I went out of the room about then, and did not hear what she said they owed her.

Q. You didn't hear the total amount?

A. No sir.

CROSS EXAMINATION

Questioned by Mr. Howth:

Q. You are an old timer in the business?

A. No sir, I certainly am not.

Q. How many different stage names have you had?

A. I have had two.

Q. Only two?

A. I have had three, because I changed my name when I went to Galveston.

Q. You changed your name when you came to Galveston and when you went to Beaumont?

A. Yes sir.

Q. You changed your name when you went from home to New Orleans and went into the business?

A. Yes sir.

Q. You have had three changes of name?

A. Yes sir.

Q. What was your name in New Orleans when you were sporting around New Orleans?

A. I never sported around New Orleans.

Q. What name did you have there?

A. I went by the name of Patterson. I changed my name every time I turned around.

Q. I supposed you did is the reason I asked you how many times you changed your name, how many names you had?

A. I was over in Mississippi.

Q. The first place you went from Mississippi was New Orleans, was it?

A. Yes sir.

Q. You took the name of Patterson there?

A. Yes sir.

Q. How long did you go by the name of Patterson there; that was not your real name, was it?

A. No sir.

Q. You took that name and carried it how long?

A. I never did stay in New Orleans very long at a time; I would stay a couple of weeks at a time and go back home.

Q. You took another name?

A. No sir, I took the same name.

Q. You went by the name of Landry?

A. No sir, I took that name when I came here.

Q. You were Patterson in New Orleans and Landry here?

A. Yes sir.

Q. When you went to Galveston you took what name?

A. Raymond.

Q. You had the name of Patterson in New Orleans, Landry in Beaumont and Raymond in Galveston?

A. Yes sir.

Q. Where are you now living?

A. I am not living anywhere in particular now.

Q. Where did you come from to Beaumont?

A. 1126, No. 1226 Post Office Street, Galveston.

Q. Did you have the same name, Raymond, there?

A. Yes sir.

Q. Are you stopping at a sporting house or a hotel here?

A. At a hotel.

Q. What name did you register under?

A. Landry.

Q. What name did you have when you went down to Panama?

A. Patterson.

Q. You had the name of Patterson when you were in Panama?

A. Yes sir.

Q. Did you go there by yourself?

A. No sir, I did not.

Q. Who did you go with?

A. A friend of mine.

Q. Man or woman?

A. A man.

Q. Were you married to him?

A. No sir, I was not married to him.

Q. Were you passing off as his wife?

A. Yes sir.

The Court: Since you came from New Orleans to Beaumont have you been living the life of a prostitute?

The Witness: Yes sir.

The Court: You are now doing that?

The Witness: Yes sir.

The Court: I will exclude the evidence as to particulars. I will give you a bill of exceptions. I will exclude the balance of it. She has admitted that she is a prostitute.

Mr. Howth: We can place in the bill of exceptions what we expect to prove?

The Court: There will be no trouble about that.

Q. Will you tell the jury what is the difference between a private assignation house and a public assignation house?

A. I don't know what is the difference.

Q. You don't know the difference between a private place and a public place?

A. I know a private place everybody don't go, but a public place everybody goes there that wants to.

Q. You mean in a private place, if a man looks all right, even though he is a stranger, he is permitted to come in?

A. Yes sir, I guess so.

Q. Is that the only difference?

A. I don't know; I never did live in either a private place very much.

Q. You never did live in either a private or a public place very much?

A. No sir, I never did.

Q. Did you follow that business in New Orleans before you came to Texas?

A. I was at Pauline's place; I went there to visit her house-keeper; I didn't go there to make money; I knew

her house-keeper; she used to have a place on Rampart Street, and I would go there to see her and stay a week at a time; I never made any practice of going there.

Q. You didn't follow the business of prostitution in New Orleans?

A. No sir.

Q. You used to go to Pauline's place and spend a week or two at a time?

A. Yes sir.

Q. Visiting the house-keeper in the house?

A. Yes sir.

Q. Pauline run an assignation house, didn't she?

A. Yes sir.

Q. She had a house of prostitution, didn't she?

A. She had girls there all the time. Her two daughters were living with her when I was there.

Q. Her daughters were in the business, were they not?

The Court: I have excluded that. I don't think that line of inquiry is admissible. I think the general statement the witness has made as to her vocation gives the jury an opportunity to weigh her testimony. I would not permit any other testimony along that line. I will give you a bill as to that.

Mr. Howth: I will state what I expect to ask her. The defendant, Effie Hoke, while interrogating witness as to the different houses of assignation and prostitution in which she had lived as an inmate in New Orleans for several yers before she came to New Orleans, or to Texas, I mean, was stopped by the Court, and the Court would not permit him to ask such questions, and for the purpose of taking a bill of exceptions to the Court's ruling, defendant's counsel proposes to ask the witness Ouida Landry if she was not an inmate of a house of prostitution in New Orleans before she came to Texas in November, 1910, to-wit: The House of Pauline Wilson,

and if she did not there follow the vocation of a prostitute, and the Court refused to permit counsel to ask the question or the witness to answer it, and counsel for the defendant, Effie Hoke, also proposed to ask the witness if she did not live in a house of prostitution run by a woman named Anna before she lived in the house of Pauline Wilson, and if she did not in that house follow the vocation of a prostitute, and the Court would not permit counsel to ask the question or witness to answer it. Counsel for the defendant, Effie Hoke, also proposed to ask the witness if she did not live in a house of prostitution and there became an inmate and follow the business of a prostitute in a place in New Orleans run by May Derby, and the Court refused to permit counsel to ask the question or the witness to answer. And counsel also proposed to ask the witness if she was not a street walker in New Orleans for years, and if she did not frequent the depots and solicit men around the depots for the purpose of prostitution, and the Court refused to permit counsel to ask the question or to permit the witness to answer the same. The defendant expected that witness would answer yes to these questions, or if she did not answer yes, that he would then have laid the predicate to impeach this witness on her credibility and her truth and veracity by showing by other credible witnesses that she lived as an inmate of those various places, and plied the vocation of a street walker and a public woman, all of which the Court refused to permit to go before the jury, the object being to contradict her and to impeach her credibility, and also for the purpose of showing the character of people with whom the witness Florence, Annette and Gertrude Baden associated while in New Orleans and previous to their coming to Texas, because it is admitted in the evidence that in New Orleans and prior to the time they came to Texas at the alleged instance of Effie Hoke that Florence Baden and her sisters and this witness, Ouida Landry, alias Patterson, and

other aliases, were friends, associates and companions, and the defendant, Effie Hoke, also offers that testimony for the purpose of contradicting the witness Florence Baden, and Gertrude and Annette for the purpose of showing that they came to Texas of their own free will and accord, the defendant contending, that if it can be shown that these witnesses were public prostitutes for hire in the City of New Orleans, the jury would have the right to infer from that fact that they came here of their own free will and accord, and that no persuasion, coercion or inducement on the part of the defendant, Effie Hoke was used, to all of which the defendant reserves a bill of exceptions.

Mr. Luzenberg: The defendant Economides also excepts.

The Court: The testimony was excluded by the Court because the witness now upon the stand stated in answer to a question propounded to her by the Court that she had, since coming to Beaumont in November, 1910, and up to and including the present time, followed the vocation of a common public prostitute, the Court being of the opinion that the testimony is admissible simply to affect the credibility of the witness, the Court being of opinion that both the requirements of the law and public policy have been met when the witness has answered that she is a public prostitute, the Court being further of the opinion that as to the character of the witnesses named in the bill of indictment, this would be not justification of the defendants action, if the jury should believe that said witnesses were persuaded or induced to make the interstate trip for the purpose of public prostitution.

Mr. Luzenberg: Does the Court hold that we can not ask the witness any questions as to her manner of living before she came to Beaumont?

The Court: That is my ruling, that you can not go into specific acts after she has answered as she has.

Q. You knew Anna Smith in Beaumont?

A. No sir.

Q. You never knew little Anna Smith?

A. Yes sir, I met her. I met her that time at Miss Pauline's.

Q. Did you know her in Beaumont?

A. Yes sir, when I was here I just met her is all. I never had any conversation with her.

Q. Do you know her?

A. Yes sir, I know her.

Q. The girl that lives at Bessie Dean's house?

A. Yes sir, I know her when I see her.

Q. Were you not in the house with her a while?

A. No sir, she came to Pauline's one night, that is the only time I ever saw her.

Q. Did you know her here in Beaumont?

A. No sir, I just know her when I see her.

Q. You knew her when you saw her?

A. Yes sir.

Q. Did you speak to her?

A. Yes sir, I spoke to her.

Q. I will ask you if it is not a fact that you told Anna Smith on Crockett Street next to the Famous Saloon, you know where that is?

A. No sir.

Q. The Famous Saloon on the corner of Crockett and Park Street,—you know where Crockett Street is?

A. Yes sir.

Q. You came down Crockett Street to come to the business part of town?

A. Yes sir.

Q. It is the corner of Crockett and Pearl; do you know where the corner of Crockett and Pearl is?

A. Yes sir.

Q. I mean Crockett and Park?

A. Yes sir.

Q. Just two streets west of Pearl Street.

A. Yes sir.

Q. The Famous Saloon is there, spelled Faymous?

A. Yes sir. I know where it is.

On that corner the day you were released from jail; did you go to jail?

A. Yes sir.

Q. Well, on the very day you got out of jail at the corner I have mentioned didn't you meet Anna Smith or pass by her, speaking of Effie and about having been in jail, didn't you say "Effie can't get ahead of us?"

A. No sir, I did not.

Q. And "we will have her arrested" or "we have had her arrested?"

A. No sir.

Q. And "We will get even with her?"

A. No sir, I never said it. All that was said was she met me and said she heard we had got into trouble; that was all that was said.

Mr. Howth: Will the Court permit me to refer back to the bill of exceptions and make it perfectly clear so there will be no misunderstanding upon the part of the Court as to what my bill is directed to? I dislike to irritate the Court about the matter. From the general trend of the Court's remarks in overruling it, I fear the Court is laboring under a misunderstanding as to my purpose. I want to make the bill perfectly clear so there will be no misunderstanding on the part of the Court. The Court in overruling the matter and replying to counsel, made the statement that he would not permit any inquiry as to specific acts or details in reference to her mode of life since she had come to Texas. The question which I wanted to ask the witness and which I proposed to ask her did not relate to specific instances of her life in Texas, or as to her vocation here at all, but it refers back to a prior time, and to the time in New Orleans prior to the time it is alleged that Effie Hoke persuaded the girls to come to Texas.

The Court: You can prove by this or any other witness that the three Hays women mentioned in the bill of indictment were common prostitutes before they came to Texas, if you want to.

Mr. Howth: She would probably deny that. I am trying to prove that fact by the witness by circumstances by showing that she herself lived in a house of assignation prior to coming to Texas.

The Court: That would not be admissible. If you can prove by this witness that the Hays girls were prostitutes before coming to Texas, you can prove that. I don't think you have the right to inquire into specific instances of this witness' life, since she has admitted that she was a prostitute. I will exclude the testimony.

Mr. Howth: I want to prove that she lived in New Orleans prior to the time Effie was charged with this offense, for the purpose of connecting that with proof of the other fact that she and the Hays girls were intimate friends and were friends of Economides, and prove in that way that the Hays women were prostitutes. The Court must know that we can prove any fact by direct evidence that we can prove by circumstantial evidence.

The Court: That can go into your bill.

Mr. Greer: In view of the Court's remarks, I think there is a misapprehension on the part of the Court. If the Court thinks I want to indulge in anything approaching coarseness, levity or obscenity, I want in justice to myself to remove that impression.

The Court: I acquit counsel of any motive of that kind. I did not intend to intimate anything of that kind as to counsel. The witness says she was a common prostitute and I think the inquiry ought to stop there.

Whereupon, at the close of the foregoing evidence in chief offered by the United States, as shown by the pre-

ceding testimony, the defendants, and each of them, through their counsel, moved the Court to direct a verdict for the defendants, and each of them, submitting the same and the reasons therefor in writing in words and figures following:

1st: Because under the so-called White Slave Act, of June 25, 1910, no offense against the law is charged in that the act does not define the words prostitution, debauchery or other immoral purpose, which constitutes the gravamen of the alleged criminal act, in that the word "prostitution" is broad enough to cover every act of lewdness or sexual dissoluteness on the part of either man or woman, and the word "debauchery" is equally as broad in its significance, whereas the words "or other immoral purpose" are broad enough to embrace any transgression of law, moral, divine, or statutory, and thereby and therein the indictment in this case is insufficient for the Court to predicate its charge to the jury upon or to impart to these defendants notice of any specific act of "prostitution," "debauchery," or "other immoral purpose" they are charged with having the alleged females commit.

2nd: Because the act is unconstitutional, on the grounds set forth in the motion to quash the indictment.

3d: Because the indictments are insufficient to charge any offense as set forth in the demurrers thereto.

4th: Because the title of the act in being named "The White-Slave" act, is misleading and tends to entrap citizens in its terms in this: (1) because prostitution, debauchery, or other immoral purpose within themselves do not constitute any act or fact of slavery; (2) because the act is in its terms broad enough to embrace all women of all races, and thereby tends to influence and probably will influence the jury into believing that it only applies to white women; (3) because sexual vice or immorality, in every instance, is a matter of indi-

vidual volition, and does not, within itself, constitute an act of slavery.

(5) Because the act not undertaking by either its express or implied terms, to punish a prostitute, or one intending to engage in prostitution, for traveling interstate, it cannot punish one for aiding or assisting another to do that which is not unlawful for such other person to do.

(6) Because the actual fact of the inter-state journey is not a crime within itself, nor do any of its facts embrace the prohibition against another that would come within any rule of inter-state carriage in aiding or assisting one so traveling inter-state.

(7) Because the so-called White Slave act does not forbid any woman or girl to travel from one State to another for the purpose engaging in prostitution, or other immoral purpose, at the end of her journey, therefore, under the Constitution of the United States Congress has no power to make a crime of one aiding or assisting or persuading her to take such lawful journey.

(8) Because it cannot be made a crime for one to assist another to do that which such other has the lawful right to do.

9th: Because the Government failed and omitted to prove that the females, viz: Annette Baden, Florence Baden and Gertrude Baden alias Hays, or either of them were transported over the line of the Texas and New Orleans Railroad Co. as charged in the indictment; and in that the Government failed to prove that the Texas and New Orleans Railroad Co. was a line of railway extending from New Orleans in the State of Louisiana into the State of Texas; and further in that the Court will take judicial knowledge of the fact that the Texas and New Orleans Railroad Co. is chartered as such under the laws of the State of Texas, having its termini wholly

within the State of Texas, to-wit: the city of Houston, Texas, on the west and the city of Orange, Texas, on the East.

10th: Because the evidence introduced by the Government does not show that the defendants or either of them persuaded, induced, coerced, enticed or assisted in aiding, persuading, inducing, enticing or coercing the witness Gertrude Baden alias Gertrude Hays to go and become a passenger in inter-state commerce from the city of New Orleans, La., to Beaumont, Texas, for the purpose of prostitution, or any other purpose (a) because it affirmatively appears from the testimony of Gertrude Baden alias Hays, herself, that she came to Texas because her sisters were coming, and that she was following in the "footsteps" of her sisters, and for these reasons the defendants, and each of them moves the Court to instruct a verdict of not guilty so far as the count in the indictment charging them with persuading or assisting in persuading Gertrude Baden alias Hays to come to Texas for such purpose is concerned.

11th: Because the evidence introduced by the Government, and contained in the foregoing pages does not negative the fact that these witnesses would or might not have taken said inter-state journey for said purposes but for said alleged aid or persuasion, because even if defendants did aid or persuade them, yet if the idea to come originated with said witnesses, or if they come of their own free will, although they might also have been aided, these defendants would not be guilty and the evidence does not show they would not have taken but for such persuasion or aid.

Whereupon in addition to the joint motion to instruct for these defendants and each of them, the defendant Basile Economides presented his written motion individually and separately to instruct a verdict of acquittal of said defendant on the following grounds to-wit:

1st: That the proof does not show that he rendered any actual aid or assistance in the transportation inter-state of either of the women or girls named in the indictment.

2nd: Because under the terms of the law the mere persuasion or prevailing upon the women or girls named in the indictment to travel inter-state with the intention on his part that they should at the end of their journey engage in prostitution or debauchery or other immoral purpose, not accompanied by any act of aid or assistance otherwise, constitutes no offense on the part of Economides under the reading and provisions of the act.

3rd: Because it is not shown by the testimony that Economides had any knowledge of the kind of place to which the women or girls named in the indictment were traveling, nor that he had any interest in the place, or the occupation of prostitution in Beaumont.

4th: Because beyond the fact that Effie Hoke and the women or girls named in the indictment met in his wine room or place of business, there was and is no evidence that Economides did any overt act to aid or assist them in their inter-state journey and under the terms of the act under which this indictment was drawn, such facts are insufficient in themselves to amount to an infraction thereof.

And the Court after hearing said motions and the argument of counsel thereon was of the opinion the same were and are not well taken, and it was ordered by the Court that the same be overruled and refused. To which ruling of the Court both of said defendants then and there in open court duly excepted, and now here tender this their bill of exceptions to such ruling and action of the Court and pray that the same be allowed, signed by the Court and filed by the clerk as a part of the record in this cause.

And thereupon, the defendants, to sustain the issue upon their part, then, through their counsel, offered the testimony of the following witnesses as their evidence in chief:

At this stage the defendants' counsel move the Court to instruct a verdict of not guilty. The Court states to counsel that they may put anything in the motion they desire and consider it filed. It is overruled, and defendants except.

J. E. JONES, A WITNESS FOR THE DEFENDANTS, TESTIFIED AS FOLLOWS:

Questioned by Mr. Howth:

Q. What is your name?

A. J. E. Jones.

Q. Are you in business in Beaumont?

A. Yes sir, the dry-goods business.

Q. What kind of goods do you keep?

A. Ladies' ready-to-wear goods.

Q. That is dresses for ladies and other clothing?

A. Yes sir, dresses and underclothes and all things of that kind ready made.

Q. Your place is known as The Fashion?

A. Yes sir.

Q. Is it located on Pearl Street?

A. No sir, Crockett Street.

Q. Crockett and Pearl?

A. No sir, it is between Crockett and Orleans.

Q. Was it located there in 1910?

A. Yes sir.

Q. Were you in that business in November, 1910?

A. Yes sir.

Q. Do you know Effie Hoke?

A. Yes sir.

Q. Do you know Annette Hays, Florence Hays and Gertrude Hays?

A. No sir, not by name.

Q. Do you know them by sight?

A. No sir, I can't say I do.

Q. Have you seen the three girls at court since you have been here?

A. Yes sir.

Q. Did you ever see any of the girls before?

A. I think they have all been in my store. I know one of them has.

Q. Which one of them is that by name?

A. I could not tell.

Mr. Howth: Please have the girls brought in so the witness can pick out the one.

(The three Hays girls brought into the court room.)

Q. Can you see them over there?

A. Yes sir, I can.

Q. Now, which one of the girls was it that was in your place?

A. I could not say positively; I would not be sure. I think this is the one. (Pointing to Gertrude).

Q. Can you remember the other two girls?

A. No sir, I can not.

Q. You know it was one of these three girls, but are not sure which one it was?

A. No sir, but I think it was the little one. In fact I am pretty sure it was.

Q. What did she buy there?

A. She bought a dress.

Q. What was the value of that dress?

A. \$22.50.

Q. Did she buy anything else?

A. No sir, I remember an order for some hair goods to be sent there, and I know they kept a hair switch which amounted to \$5.55; I believe the whole bill came to \$28.05.

Q. Who did you charge that to?

A. Effie Hoke. I don't know who bought the hair goods, but the whole bill was charged to Effie.

Q. The girls came and selected the dress and told you to charge it to Effie?

A. Yes sir.

Q. Did the girl come there and select the dress?

A. Yes sir.

Q. Do you know what date that was?

A. Yes sir, November 19, 1910.

Q. Did you sell these other two girls anything at any time?

A. I don't remember anything else I sold.

Q. The bill amounted to \$28.00?

A. Yes sir.

Q. Who paid the bill?

A. Hazel Hoke.

Q. That is Effie's sister?

A. Yes sir.

FLORENCE BADEN (alias Hays) BEING RE-
CALLED BY THE DEFENDANTS, TES-
TIFIED AS FOLLOWS:

Questioned by Mr. Howth:

Q. Do you know a girl named Genevieve Hudson at Bessie Dean's place?

A. Yes sir.

Q. You were there a while?

A. Yes sir.

Q. You were there about a week ago, at Bessie's place?

A. Yes sir.

Q. I will ask you if about a week ago you did not say in Bessie Dean's house in the presence of Genevieve Hudson, when you were asked why you got into this trouble, and you said you were mad at Effie because she would not give you your clothes, and you said you wished you had not done it?

A. No sir, I did not.

Q. And that you had told this story and were going to have to stick to it?

A. No sir, I did not.

Q. That you would have to stick to the same story?

A. No sir, I did not.

Q. That you wanted to get her into trouble out of revenge?

A. No sir.

Q. You did not tell Genevieve that?

A. No sir, I did not.

Q. Didn't you tell Bessie Dean here in Beaumont that you made this complaint against Effie because Ouida Landry ribbed you up to do it?

A. No sir, I did not.

Q. And that you did it because of spite against her and because you wanted to get revenge against her for trying to hold your clothes?

A. No sir, I did not.

Q. That you were sorry that you did so, but that now you had told the story to the officers, you would have to stick to it?

A. No sir.

Q. You didn't make that statement?

A. I certainly did not.

Q. Didn't you make that statement to Bessie Dean in her house in Beaumont just a few days before you went to Paris, Texas, to testify before the grand-jury?

A. No sir, I did not.

Q. You did not?

A. No sir.

Q. And that it was all Ouida's fault?

A. No sir.

Q. Didn't you also state that it was all Ouida Landry's fault?

A. No sir.

Q. Didn't you also tell Bessie Dean that Ouida Lan-

dry ribbed you up to steal your clothes away from Effie's house without paying her the debt that you owed her?

A. No sir, I did not.

Q. And that Ouida told you that she never paid the land-lady anything, but always bilked her?

A. No sir.

Q. You did not say that?

A. No sir.

Q. You know what the word "bilked" means?

A. Yes sir, I certainly do.

Q. Do you know a place in New Orleans run by a woman named Emma Johnson?

A. No sir.

Q. Have you ever been to Emma Johnson's place?

A. No sir.

Q. Did you ever tell Billie Seebold at his wine room in New Orleans, or at any other place, just before you came over here that you had been to Emma Johnson's place?

A. No sir.

Q. Emma Johnson runs a place, does she not?

A. I guess she does.

Q. You have heard of it?

A. No sir, I never heard anything about it, and don't know what kind of place it is.

Q. Now, I will ask you if you did not tell Billie Seebold the last of October or the first of November, at his wine room in New Orleans, that you had been down to Emma Johnson's place?

A. No sir, I did not.

Q. Do you know Lucile Gray?

A. Yes sir.

Q. Didn't you tell her at Bessie Dean's house about three weeks ago at the breakfast table, or about twelve o'clock,—you have breakfast there about 12 o'clock?

A. Yes sir.

Q. Didn't you tell her that Effie didn't pay your railroad fare to Beaumont?

A. No sir, the fact is we did not have anything to say about the case in the house.

Q. And didn't you make that statement in the presence of Anna Smith that morning at breakfast at Bessie Dean's house on about April 3, 1911, that you would not have gotten Effie into this trouble if it had not been that Ouida Landry persuaded you to do it?

A. No sir, I did not.

Q. That Ouida always bilked the land-lady, and persuaded you girls to try to bilk Effie?

A. No sir, I did not.

Q. Or a statement substantially to that effect?

A. No sir.

Q. You never made such a statement or a statement to that effect at any time or place or to any person?

A. No sir, I certainly did not.

**ANNETTE BADEN (alias Annette Hays) BEING RE-
CALLED BY THE DEFENDANTS
TESTIFIED:**

Questioned by Mr. Howth:

Q. Have you ever been to Emma Johnson's place in New Orleans?

A. No sir.

Q. Do you know what kind of place she runs?

A. I never heard the name before.

Q. Didn't you tell Billie Seebold in his wine room about the last of October or the first of November that you all had been down to Emma Johnson's place?

A. No sir.

Q. You didn't.

A. No sir.

Q. Didn't you tell Bessie Dean that you girls made this complaint against Effie out of revenge because Effie had tried to hold your clothes for a debt?

A. No sir.

Q. That you were sorry that you had done so, but that you would now have to stick to the same story you had told and get her into trouble?

A. No sir, I never did.

Q. Didn't you make that statement to Bessie Dean in her house in the City of Beaumont just a few days before you went to Paris to testify before the grand-jury?

A. I never went to Paris. I never was in Daisy or Bessie Dean's house until Sunday night.

Q. And that it was all Ouida's fault?

A. No sir.

Q. Did you not in the presence of Anna Smith and Lucile Gray at Bessie Dean's house in the City of Beaumont the day you left her house on Monday, at breakfast about April 3, 1911, along about that time, state that you would not have got Effie into this trouble but for the fact that Ouida ribbed you up and persuaded you to do it?

A. I never mentioned this case at all.

Q. That she persuaded you to leave the house without paying your bill?

A. No sir.

Q. That Ouida Landry always bilked the land-lady and that she persuaded you to bilk Effie?

A. No sir.

Q. And that you were mad because Effie had you arrested for trying to bilk her?

A. No sir.

Q. You know what "bilk" means?

A. Yes sir.

Q. And that you in turn had had her arrested for revenge?

A. No sir.

BILLIE SEEBOLD, A WITNESS FOR DEFENDANTS, TESTIFIED AS FOLLOWS:

Questioned by Mr. Luzenberg:

Q. What is your name?

A. W. E. Seebold, Jr.

Q. What is your business?

A. The restaurant and saloon business at 106 Rampart Street, New Orleans.

Q. What is the name of your place?

A. The Tanhauser Saloon.

Q. That is between what streets?

A. Between Canal and Iberville.

Q. How far is that from the restricted district?

A. One square and a half from it.

Q. Do you know a girl named Carrie Bryant?

A. Yes sir.

Q. Where does she live?

A. Almost directly opposite my place of business.

Q. What kind of place does she keep?

A. A gentlemen's furnished rooming house.

Q. In July, August and September what kind of place did she run?

A. Known as an assignation house.

Q. Was that inside or outside of the restricted district in New Orleans?

A. Outside the restricted district.

Q. Do you know a young woman named Annette Hays; do you know her by sight?

A. I know those three sisters; I could not call them by name; I am not familiar with their names.

Q. One of them is named in the indictment as Annette Baden or Hays, another as Florence Baden or Hays, and the other Gertrude Baden or Hays?

A. Yes sir.

Q. You know the three girls?

A. Yes sir.

- Q. You are positive you can identify them?
A. Yes sir.
- Q. Where did you first know them?
A. They came to my place in New Orleans.
- Q. Which one of them?
A. All three of them.
- Q. Do you remember when that was, Mr. Seebold?
A. About the middle part of last year.
- Q. In the summer?
A. Yes sir.
- Q. Do you remember how many times you have seen them in your place?
A. Almost daily and nightly.
- Q. What times of night have you seen them there?
A. I have seen them there as late as two or three o'clock in the morning.
- Q. Now you have stated that you kept a saloon and restaurant?
A. Yes sir.
- Q. Is there any other name for that kind of place?
A. They are commonly called wine rooms; my saloon is down stairs and down there is kept the saloon, and up stairs is kept the wine rooms and the restaurant.
- Q. Is the wine room a large or small room?
A. Two large rooms with a half dozen or more tables in them.
- Q. Have you any small rooms?
A. Yes sir.
- Q. Do any one besides women come to your place?
A. Yes sir.
- Q. Do men come to your place?
A. Yes sir.
- Q. Do you know what the object was of these three girls in coming to your place?
A. They came there to meet men.
- Q. The same men or different men?

A. Different men at different times. Sometimes of course the same men were there again.

Q. I will ask you if you know what kind of place Carrie Bryant was keeping in New Orleans in the latter part of July and August and September, 1910?

A. Yes sir.

Q. Have you any recollection or do you know where those girls were living in August and September, 1910?

A. I could not recollect the month exactly, but about that time, they were living right opposite my place at Mrs. Bryant's.

Q. How do you know that?

A. Because they came from there to my place of business.

Q. As a rule what kind of people frequent your place?

A. Well, it is just outside of the sporting district and of course there are quite a number of people from the sporting district that pass there.

Q. Prostitutes?

A. Yes sir.

Q. Men and women?

A. Yes sir, of course men come to meet them there.

Questioned by Mr. Howth:

Q. I will ask you if it is not a fact that along about the last part of October, 1910, or the first part of November, these three girls, Annette, Florence and Gertrude, told you in your place in New Orleans that they had been to the house of Emma Johnson?

A. They told me—

Q. You can answer that, yes or no?

A. Yes sir.

Q. Now you can go ahead and explain.

Mr. Dailey: I don't understand that to be the rule. They can ask simply the question.

Mr. Howth: We don't care about the details.

Q. They told you that in your place in New Orleans?

A. Outside of my place of business.

Q. Where is Emma Johnson's place?

A. On Basin Street between Benville and Cordi in the restricted district of New Orleans.

Q. That is where the City ordinances and laws place the prostitutes?

A. Yes sir.

Q. I will ask you what kind of place Emma Johnson's place is?

A. It is a sporting house.

Q. Is there anything peculiar about that that distinguishes it from other sporting houses?

A. It is one of the vilest places in New Orleans.

Q. I understand you to say it is the vilest one in New Orleans?

A. Yes sir, it is.

Q. I will ask you to state whether there are few or many sporting women in New Orleans, street walkers, and sporting women and prostitutes?

A. A great number of them.

Q. Is the town overcrowded with them?

A. Yes sir, it is.

Q. I will ask you if you are in position to know, and if in fact you know from hearsay and your own observation and knowledge whether or not it is difficult for that class of women to make expenses in New Orleans?

A. Well, it is pretty hard for them.

Q. I will ask you if it is not a fact that at times that class of women can not make enough to feed themselves?

A. I know that myself because I feed a good many of them myself.

Q. I will ask you if that is not especially true in the summer?

A. Yes sir.

Q. In the late summer and early fall?

A. Yes sir.

Q. I will ask you if it is not a fact that the sporting women in New Orleans—

Mr. Dailey objects as leading.

Objection sustained.

Questioned by Mr. Luzenberg:

Q. Do you know Miss Effie Hoke, have you seen her?

A. Yes sir.

Q. How long have you known her?

A. It must be about the middle of last year, possibly a little earlier than that.

Q. Have you ever seen her in your place of business?

A. Yes sir, she has been in there several times.

Q. This offense is charged to have taken place about the middle of November of last year?

A. Yes sir.

Q. Do you remember whether you saw her in your saloon in November of last year?

A. About the time I could not tell definitely.

Q. Had you seen her during any month previous to that?

A. Yes sir.

Q. Do you remember what month it was?

A. It was in July, I think.

Q. You stated that you knew the three girls?

A. Yes sir.

Q. Have you ever at the same time seen the three girls and Effie Hoke in your saloon?

A. Yes sir.

Q. Now, I said the three girls?

A. I could not say whether all three of them; some of the girls were there at one time when Effie was there.

Q. Do you remember when that was?

A. I could not specify definitely.

Q. Do you remember whether it was in November or the middle of the summer?

A. I really could not tell that.

Q. Now, were they there at different times or at the same time?

A. At the same time.

Q. Were they there together?

A. They were congregated together at one time.

Q. They were together?

A. Yes sir.

Q. Was there any drinking?

A. Yes sir.

Q. Were they drunk?

A. I could not say; there was some drinking in the party.

Q. How many were in the party, do you know?

A. Five or six.

Q. Do you remember whether you had seen Effie Hoke and either of the girls more than one time in your place?

A. I think that was the only time.

Q. Could you tell which one it was?

A. No sir.

Q. You are positive it was one of those girls?

A. Yes sir.

Questioned by Mr. Howth:

Q. Do you know these three girls by sight and by reputation, by what people say about them and by your own knowledge of the three Baden sisters; you have seen them since you have been at court; I want to know whether or not they were generally regarded as prostitutes among the people they run with and by the frequenters of your place and by you?

A. They associated with that class.

Q. Were they regarded by common repute as public prostitutes?

A. Yes sir, naturally.

Q. That was in November, 1910, and for several months or a year prior thereto?

A. I don't think they were there as long as a year.

- Q. Several months prior thereto?
A. Yes sir.
Q. They could have been in other parts of the town without your knowing it?
A. Yes sir.
Q. How big a town is New Orleans?
A. Pretty near four hundred thousand people.
Q. Did you know Ouida Landry over there?
A. Yes sir.
Q. Was she a public prostitute in New Orleans?
A. Yes sir, she was.
Q. Did Ouida Landry and the Hays girls run together and associate together?
A. Yes sir.
Q. Have you seen them in your wine room together?
A. Yes sir.
Q. Frequently or infrequently?
A. Quite frequently.

CROSS EXAMINATION.

Questioned by Mr. Ownby:

- Q. You run with that kind of people yourself?
A. My business naturally throws me with them.
Q. How long have you known Basile Economides?
A. I have known him 10 or 12 years.
Q. You are a friend of his?
A. Yes sir, in a business way.
Q. How far is your place of business from his?
A. Pretty near two blocks. His place is Iberville and Burgundy and mine Rampart and Canal.
Q. You both keep what is known as wine rooms?
A. Yes sir.
Q. To which you invite men and women to come together?
A. Yes sir, we keep restaurants and bars, commonly called wine rooms, both of us.

Q. Men and women come there and drink together?

A. Yes sir and eat together.

Q. Do decent people come to your place?

A. Yes sir, sometimes. Of course we can not say exactly whether they are decent or not when they come into the restricted district.

Q. Do decent people come to your place or not?

A. Yes sir.

Q. Men and women?

A. I can not consider women coming there.

Q. No decent women come to your place?

A. I would not so consider it.

Q. Do working girls come there?

A. Not that I know of.

Q. Do you refuse to let any women in your place but prostitutes?

A. No sir, I do not.

Q. You answered my question that sometimes decent women went to the wine rooms in New Orleans?

A. Well, we have numbers of privately kept women, and they are supposed to be semi-decent in New Orleans.

Q. They are supposed to be semi-decent?

A. Yes sir.

Q. They visit the wine rooms?

A. Yes, sir.

Q. Do any decent women in New Orleans go to wine rooms?

A. I could not tell you; I can tell you what happens in my place, but as to any other place, I can not tell you.

Q. Only semi-decent women come to your wine rooms?

A. I could not consider it otherwise.

Q. They come to your place to make assignations with men?

A. No sir, they don't meet women there, don't meet men.

Q. They meet men there and eat and drink there, but not to make assignations?

A. No sir, I have no rooms.

Q. You said these girls came there to meet men?

A. Yes sir, but they don't come there to make assignations.

Q. Why is it that decent women do not visit your place?

A. It is not considered a respectable district.

Q. You are just outside of the restricted district?

A. Yes sir. The street there has a pretty bad name.

Q. You run this place?

A. Yes sir.

Q. You are the proprietor?

A. Yes sir.

Q. Do you know Pauline Wilson?

A. Yes sir.

Q. Are you a friend of hers?

A. No sir.

Q. How long have you known her?

A. I guess I have known her possibly two years.

Q. Is that all?

A. Yes sir.

Q. You are not a friend of Pauline's?

A. No sir.

Q. Have you been to her house?

A. Once.

Q. You have only been in Pauline Wilson's place once in your life?

A. Yes sir.

Q. You have seen Effie Hoke in your house?

A. Yes sir.

Q. Counsel asked you if you had not seen Effie Hoke in company with the three girls in your house, and you said yes, and he asked you if it was two or three or one?

A. I cannot exactly remember; there are so many assembled there it is hard to remember.

Q. How many of the three Baden sisters did you ever see in your house with Effie Hoke?

A. I could not say positively.

Q. You are not testifying to something you could not be positive about?

A. No, sir.

Q. Which one of the girls was in the house?

A. I could not tell.

Q. Would you swear any of them was in the house with Effie Hoke?

A. Yes, sir.

Q. Which one?

A. I can't tell.

Q. Was there one, two or three?

A. I could not tell whether two or three; two, I think.

Q. Didn't you say one in answer to Mr. Howth?

A. I cannot tell exactly, because I don't remember.

Q. You think there were two?

A. Yes, sir.

Q. Was it the two oldest, Annette and Florence?

A. I could not say.

Q. Was Gertrude there?

A. I could not tell; I don't know them by name.

Q. You don't know them by name?

A. No, sir.

Q. How often have you seen them in your place of business?

A. They have been there a good many times; I have seen them there several times; I am principally downstairs, looking after my business; I was attending to the bar business.

Q. You were not attending to your bar business when you saw Effie Hoke, Annette and the other girls in your wine room?

A. No, sir.

Q. Who else was in the crowd; you said there were five or six of them?

A. Yes, sir.

Q. What date was that?

A. I don't remember exactly; about the middle of the night.

Q. Can you give the month?

A. Not definitely. It was about July, I think; in the summer, I don't remember the month or the day exactly.

Q. You don't remember the year?

A. Yes, sir; last year.

Q. You swear that you saw two of these girls in company with Effie Hoke in your place of business?

A. Yes, sir.

Q. You say it was in the summer, and that is as near as you can place the time?

A. Yes, sir; and if I am not mistaken Miss Hoke's sister was with her.

Q. What is her name, do you know?

A. No, sir; I don't know her name.

Q. Hazel Hoke?

A. Yes, sir; I think so.

Q. She lives at Beaumont?

A. Yes, sir; I think so.

Q. You are swearing that two of the Baden girls were there?

A. As far as my recollection goes, they were.

Q. Effie Hoke was there?

A. Yes, sir.

Q. Who else?

A. Hazel Hoke.

Q. Who else?

A. The balance I could not say.

Q. Why can't you say?

A. I can't tell, because I don't remember.

Q. How long have you known Effie Hoke?

A. I only met her twice.

Q. When did you first meet her?

A. About June of last year, June or July.

Q. Was the occasion you speak of the first time you ever met her?

A. Yes, sir.

Q. Did she come there with the Baden girls?

A. No, sir.

Q. Did they come there separate; who came there first?

A. I could not say; when I went upstairs they were there together.

Q. All around the same table?

A. No, sir; some on one table and some another, and later they combined together.

Q. The two Baden girls and Effie Hoke?

A. Yes, sir.

Q. Did they drink together?

A. They were talking together.

Q. Did you understand what they said?

A. No, sir.

Q. Who introduced you to Effie Hoke?

A. Pauline Wilson.

Q. Was Pauline there at that time?

A. Yes, sir.

Q. You are certain of that?

A. Yes, sir; positive of it.

Q. Was there anybody else in this place but these people?

A. No, sir; not at that time.

Q. This party was together?

A. Yes, sir.

Q. You don't know whether they came in together or not?

A. No, sir.

Q. How did they leave?

A. I could not tell you that.

Q. You don't know whether they left together or not?

A. No, sir.

Q. That was some time in the summer?

A. Yes, sir; the middle of the summer.

Q. That was the first time you had met Effie Hoke?

A. Yes, sir.

Q. When was the next time you met her?

A. Later in the fall.

Q. Was she there in November?

A. I could not remember the month; about that time,

I think.

Q. She was at your wine room?

A. Yes, sir; she was at my wine room.

Q. Who with?

A. Alone.

Q. She came there by herself?

A. Yes, sir.

Q. Do you know what her business was there?

A. No, sir; I do not.

Q. She didn't tell you?

A. No, sir.

Q. Do you know why she was visiting your wine room?

A. To get a drink and some lunch.

Q. Did you ever see her at Economides' wine room?

A. No, sir.

Q. What is that place the girls told you they went to that is the worst place in New Orleans?

A. Emma Johnson's.

Q. Where did you have this conversation?

A. On the outside of my place of business.

Q. When was that?

A. One morning about 3 o'clock.

Q. What month?

A. It was July or August.

Q. About July or August?

A. Yes, sir; I could not recollect the month.

Q. Is that as near as you can fix the date?

A. Yes, sir.

Q. What were you doing outside of your place at 3 o'clock in the morning?

A. Getting ready to go home.

Q. Your wine rooms stayed open day and night?

A. Yes, sir.

Q. You were getting ready to go home about three o'clock in the morning?

A. Yes, sir.

Q. Was there anybody with you?

A. No, sir; I was alone.

Q. Were you leaving the saloon?

A. Yes, sir; just going out of the door, leaving the saloon.

Q. Did you meet the three girls?

A. I can't say three; I think two.

Q. Didn't you say three of them told you that?

A. No, sir.

Q. How many were there?

A. Two.

Q. You remember you were going home, and it was 3 o'clock in the morning?

A. Yes, sir.

Q. How many of the girls were there?

A. I don't know; there was a party, I don't know how many.

Q. There was a party?

A. Yes, sir; men and women.

Q. How many were in the party?

A. To the best of my recollection, four: two men and two women.

Q. Who were the men?

A. I don't know.

Q. Did you ever see them before?

A. No, sir.

Q. Have you ever seen them since?

A. No, sir; I have not seen them that I know of.

Q. Not that you know of?

A. No, sir.

Q. Two girls?

A. Yes, sir.

Q. Which girls?

A. I cannot recollect just exactly.

Q. You know these girls?

A. No, sir; not personally; there are so many I deal with it is hard for me to remember them all.

Q. You know two of these three sisters?

A. Yes, sir.

Q. They told you they had been to this place?

A. Yes, sir.

Q. Which one of them?

A. She said: "I have just had a big time down at Emma Johnson's."

Q. Which one was that?

A. I can't recollect.

Q. You don't know which one?

A. No, sir.

Q. That was at 3 o'clock in the morning?

A. Yes, sir.

Q. Was it a man or a woman that said that?

A. The men and women both said it.

Q. All four of them?

A. No, sir, not all four; they had a conversation; they were all coming along laughing, and said they had been over there and had a big time.

Q. Did they go into your place of business?

A. No, sir.

Q. They just went by?

A. Yes, sir.

Q. They stopped and gave you this information; did you ask where they had been?

A. No, sir.

Q. You were not personally acquainted with any of the crowd, neither the men nor the women?

A. No, sir, not personally; I knew they had been in my place of business.

Q. You didn't know the men?

A. No, sir.

Q. You never said anything to them, but as you left your saloon the bunch of four came along and gave you the information that they had been to Emma Johnson's in New Orleans; do you swear that?

A. Yes, sir.

Q. (Shows cards to witnesses.) Is that your card?

A. Yes, sir.

Mr. Dailey: Have you been displaying that card around Beaumont?

Mr. Howth objects.

Objection withdrawn.

Q. That is your business card?

A. Yes, sir.

Mr. Dailey shows card to jury.

Q. Have you been distributing these cards around Beaumont since you have been here?

A. Yes, sir; I have handed them to a few of my friends.

Q. That is the kind of literature you distribute when you visit different cities in Texas?

A. I didn't think there was any harm in that.

Q. You are well acquainted in New Orleans with all the different classes of people?

A. Yes, sir.

Q. Do you know the working class of people there?

A. Yes, sir.

Q. Both men and women?

A. Yes, sir.

Q. Girls and men who work in stores and factories and shops?

A. Yes, sir.

Q. I will ask you if it is not a fact that oftentimes that these young people, when the day's work is done, and after the stores and factories are closed, go and get lunch and drink in your place in parties?

A. I must say yes.

Q. You don't hesitate to say it, do you?

A. No, sir; I tell the truth.

Q. Numbers of these young people, girls and boys who work in the factories and shops, come to your place?

A. Yes, sir.

Q. They come in parties there to your place?

A. Yes, sir.

RE-DIRECT EXAMINATION.

Questioned by Mr. Luzenberg:

Q. These working girls that you speak about, are they shop girls or factory girls?

A. It would be hard to define them?

Q. Do you know of any respectable working girl that goes into a wine room and drinks with men in such a place as your place?

A. No, sir.

Q. Do you consider that the working girls who come into your place are respectable, decent girls; some working girls are decent?

A. Yes, sir; undoubtedly.

Q. The great majority of them?

A. Yes, sir.

Q. The small minority are not?

A. No, sir.

Q. The kind of working girls that come to your place and meet men there, do they belong to the respectable element?

A. The class I entertain I should consider not respectable.

Q. This card shows about the kind of place you keep?

A. Yes sir.

Mr. Howth: We offer this card in evidence.

Mr. Ownby: It has already been offered.

BESSIE DEAN, A WITNESS FOR DEFENDANTS,
TESTIFIED:

Questioned by Mr. Howth:

Q. What is your name?

A. Bessie Dean.

Q. Do you know Florence Hays?

A. Yes, sir.

Q. I will ask you if she did not say to you about a week ago, in your house, that she made this complaint, or made a complaint against Effie Hoke, because Effie kept her clothes?

A. Yes, sir.

Q. I will ask you if she did not make that statement to you in your house and in your room?

A. Yes, sir.

Q. I will ask you if she did not also say to you that she had told the story against Effie in order to get her into trouble, because she wanted revenge against her for keeping her clothes, or substantially that?

A. I don't understand you.

Q. I will ask you if she did not say that she told the story to get Effie into trouble, because of her feeling of revenge towards Effie for keeping her clothes out of spite; just answer yes or no.

A. Repeat it again.

Q. Didn't she tell you, in the same conversation, she had told the story against Effie to get her into trouble out of spite because she had kept her clothes?

A. Yes, sir.

Q. And that she would now have to stick to it?

A. Yes, sir.

Q. Did that conversation occur just after breakfast a few days before she went to Paris?

A. Yes, sir.

Q. And that it was all Ouida's fault?

A. Yes, sir.

Q. Did she not also tell you in that conversation that Ouida said she always bilked the landlady?

A. Yes, sir.

Q. And that Ouida persuaded her to try to bilk Effie out of what she owed her?

A. Yes, sir.

CROSS-EXAMINATION.

Questioned by Mr. Ownby:

Q. You live in Beaumont?

A. Yes, sir.

Q. What is your business or occupation?

A. I have a house down there.

Q. What kind of house have you?

Mr. Howth: Of course, she can claim the privilege. We admit that she does run that kind of house.

The Court: If she objects on the ground of privilege, I will sustain the objection.

Mr. Ownby: You admit that she runs a house of prostitution?

Mr. Howth: Yes, sir.

The Court: The only way I can rule is if she says she claims the privilege.

Q. Are you not the madame of a house of prostitution in Beaumont?

A. Yes, sir.

Q. How long have you lived in Beaumont?

A. About three years.

Q. Florence said she would not have made this complaint if it had not been that Effie would not let her have her clothes; what complaint did she refer to?

A. White slave.

Q. You used the word complaint; what complaint did Florence have reference to; what complaint do you mean?

A. Had her arrested, I guess.

Q. Had her arrested?

A. Yes, sir.

Q. Do you know whether it is a fact or not that she ever had her arrested, or ever made a complaint against her; don't you know that is not true; or ever had her arrested?

A. The paper said she had her arrested, and everyone else said so.

Q. The papers and everyone?

A. Yes, sir.

Q. She said that Ouida told her to do this to bilk the house?

A. She said that Ouida told her she was in the habit of bilking the landlady, and she said Ouida told her to do it.

Q. Do you know of Effie having the girls arrested, charged with being common prostitutes in the town?

A. No, sir. I might have heard it, but I have forgotten it if I did; I believe I have heard of it.

Q. You don't know anything about it except from hearsay?

A. That is all.

Q. Did you or not, about the same time and place, tell Ouida and Florence that you were going to swear for Effie Hoke; that the landladies all had to stand in together, and if they did not they would be in a hell of a fix to get girls and keep the house running?

A. No, sir; I never made such a statement as that to anyone.

Q. That is not true?

A. No, sir; it is not.

Q. You are the keeper of a house of prostitution?

Mr. Howth: She has admitted that she is.

Q. And if you cannot get girls into your house you would have to go out of business, would you not?

A. Yes, sir; I would not necessarily.

Q. Could you run a house without girls being in it as working tools and material?

Mr. Howth: That is a matter of argument.

The Court: Yes, sir; I think so.

Q. What do you mean when you say you can run a house of prostitution without women and girls in it?

A. Well, a small house I guess you could.

Q. Can you run a house of prostitution without women in it?

A. They have been run without it; small houses and such as that.

Q. There would be women in it?

A. Well, you could live there yourself.

Q. You could do the whole business for the house; is that what you mean?

A. Not necessarily.

RE-DIRECT EXAMINATION.

Questioned by Mr. Howth:

Q. I will ask you if it is not a fact that the landladies are constantly besieged by girls to become inmates of the houses; if you don't have plenty of applicants from girls to become inmates of your house?

A. Yes, sir.

Q. That is true?

A. Yes, sir.

Q. Right here in the city?

A. Yes, sir.

Q. Is it not a fact that they come voluntarily and seek admission to the house, and especially in Carnival time or when anything is going on in the town?

A. Yes, sir.

GENEVIEVE HUDSON, A WITNESS FOR DEFENDANTS, TESTIFIED:

Questioned by Mr. Howth:

Q. Do you know Florence Hays?

A. Yes, sir.

Q. I will ask you if Florence didn't say to you, in Bessie Dean's house, that she was sorry she got Effie into this trouble, and did so because she was mad with Effie at the time for trying to hold her clothes, and now that she was into it she was going to stick to the same story she told them in order to get her into trouble?

A. Yes, sir.

CROSS-EXAMINATION.

Questioned by Mr. Ownby:

Q. When was that?

A. About a week ago.

Q. In Bessie Dean's house?

A. Yes, sir; it was out on the front gallery upstairs.

Q. Who else was present?

A. No one but myself.

Q. You and this girl were out there by yourselves?

A. Yes, sir.

Q. How did the conversation happen to come up?

A. I asked her why she had Effie arrested, and that is how it started.

Q. Why she had Effie arrested?

A. Yes, sir.

Q. Do you know whether she had Effie arrested or not?

A. She told me she did.

Q. Florence told you she had Effie Hoke arrested?

A. She said she and the girls did.

Q. Are you sure Florence told you she had Effie Hoke arrested?

A. Yes, sir; she said she wanted to get her clothes out, and that Effie would not give them to her.

Q. How did she say they had her arrested?

A. I think they went to Marvin Scurlock and told Marvin they wanted their clothes, and someone asked them how they came over here.

Q. I wanted to find out how she said they had Effie arrested?

A. She said to get even with her.

Q. How did she have her arrested; what did she do to have her arrested; did she say she had her arrested?

The Court: I don't think the witness understands you.

Q. How did she say she had her arrested?

A. She said the girls had her arrested.

Q. What girls?

A. Ouida and Florence and Annette.

Q. Had her arrested where?

A. Had her arrested here, I guess.

Q. Had her arrested here?

A. Yes, sir.

Q. Up there in the State Court?

A. She didn't say about that.

Q. She just told you she was sorry she had her arrested, and would not have had her arrested but she was mad because she tried to get out and take her clothes, and Effie would not let her, and she had her arrested?

A. Yes, sir.

Q. She told you she had her arrested?

A. They had her arrested.

Q. Where are you living?

A. At Miss Bessie Dean's.

Q. She runs a house of prostitution?

A. Yes, sir.

Q. And you live in that house?

A. Yes, sir.

Q. What is your business and occupation?

Mr. Howth: Will the Court permit me to tell the witness she don't have to answer that?

The Court to Witness: If you desire to refuse to answer that, you can do so.

The Witness: I don't care to answer it.

Q. You don't care to answer the question?

A. No, sir.

Q. You live in Bessie Dean's house?

A. Yes, sir.

Q. That is a house of prostitution?

A. Yes, sir.

Q. You don't care to answer what your business or occupation is in that house?

A. No, sir.

Q. Do you have any other business or occupation except in that house?

A. No, sir.

Q. If you have any business or occupation at all, it is such a business or occupation as is pursued in that house?

The Court: I think that is the same question.

LUCILLE GRAY, A WITNESS FOR THE DEFENDANTS, TESTIFIED:

Questioned by Mr. Howth:

Q. What is your name?

A. Lucille Gray.

Q. Do you know Annette Hays?

A. Yes, sir.

Q. I will ask you if Annette did not say in your presence, and in the presence of Anna Smith, at Bessie Dean's house, the day they left Bessie Dean's house, on or about the 3rd day of April and on Monday, April, 1910, that they would not have gotten Effie into this trouble if it had not been for Ouida Landry; that Ouida Landry per-

suaded them to leave the house without paying their bill; that Ouida always bilked the landlady; and when they tried to leave Effie's house Effie had them arrested, and then they had her arrested for revenge?

A. Yes, sir.

Q. I will ask you if you know Florence Baden, or Hays?

A. Yes, sir.

Q. I will ask you if Florence did not tell you, at Bessie Dean's house about three weeks ago, on her front porch, that Effie did not pay her fare to Beaumont?

A. She did.

CROSS-EXAMINATION.

Questioned by Mr. Ownby:

Q. What is your name?

A. Lucille Gray.

Q. Where do you live?

A. Illinois.

Q. Illinois?

A. Yes, sir.

Q. You live in New Orleans?

A. I used to.

Q. I mean now?

A. I live in Beaumont.

Q. How long have you been living in Beaumont?

A. Three years.

Q. At whose house do you live in Beaumont?

A. Miss Bessie Dean's.

Q. What kind of house is that; is that a house of prostitution?

A. Yes, sir.

Q. You say it is a house of prostitution?

A. Yes, sir.

Q. What was it Annette said to you?

A. I asked her if Miss Effie paid her way from New Orleans to Beaumont.

Q. I thought you said that was Florence?

A. Yes, sir, Florence; Annette said at the breakfast table that she did it for spite; that she was in the habit of bilking the landladies.

Q. Are you sure that is all she said?

A. She said she had been in the habit of bilking the landladies, and did it to get even with her for spite.

Q. About what?

A. They said they had a fuss; that Miss Effie bought them some clothes or something, and they didn't want to pay for them, and had Miss Effie arrested.

Q. You say she said she had Miss Effie arrested?

A. Yes, sir; and done it for spite.

Q. You tell the jury that she said they had Miss Effie arrested?

A. Yes, sir.

Q. That is your statement?

A. Yes, sir.

Q. Annette told you that they had Miss Effie Hoke arrested?

A. Yes, sir.

Q. For spite?

A. Yes, sir.

Q. Don't you know they didn't have her arrested at all, either one of them?

A. That is what she said at the table; of course, I don't know.

Q. That is what Annette said?

A. Yes, sir.

Q. What was it Florence told you on the front porch?

A. I asked her if Miss Effie paid her way from New Orleans to Beaumont, and she said she did not.

Q. You are acquainted with Miss Effie Hoke?

A. I don't know her very well.

Q. You know her?

A. Yes, sir.

Q. What was her business in Beaumont?

A. The same as Miss Bessie's.

Q. She has been proprietress of a house of prostitution?

A. Yes, sir.

Q. Did you ever visit her house?

A. Yes, sir; once in a while.

Q. Did you ever board in her house?

A. Yes, sir; I lived there a while.

Q. How long ago was that?

A. About a year and a half ago.

Q. How long did you live there?

A. About five months.

Q. About five months in her house?

A. Yes, sir.

Q. Have you ever talked to Effie Hoke about this case?

A. No, sir.

Q. She has never mentioned it to you?

A. No, sir.

Q. Have you talked to her sister, Hazel Hoke?

A. No, sir.

Q. You have not mentioned it to either of them?

A. No, sir.

Q. Have you met her since this prosecution began against her?

A. No, sir; I have seen her on the street, but I have not talked to her.

Q. You never have spoken to her since this case began against her?

A. No, sir.

Q. Are you sure of that?

A. Yes, sir.

Q. Have you talked to her sister, Hazel Hoke?

A. No sir.

Q. Now, is it not a fact that you have talked to Effie Hoke, and came here to testify what you have after an understanding between you?

A. No, sir.

Q. This matter has never been mentioned?

A. No, sir.

Q. If you have never talked to Hazel or Effie, how is it that you are here as a witness, and how did they know that those girls had made this statement to you?

A. I don't know.

Q. You have never told either one of these women about it?

A. No, sir; I have not. I have told some of the girls in the house.

Q. You make the statement to the jury that you never told either of these women about what you say the girls told you, and that they never talked to you about what you would testify?

A. No, sir.

Q. They never have?

A. No, sir.

Q. You don't know how you came to be a witness?

A. Yes, sir; I think I do.

Q. How is that?

A. A lawyer came down there.

Q. Who was the lawyer?

A. Mr. Howth was the lawyer.

Q. He is defending these people?

A. Yes, sir.

Q. He came down there and talked to you?

A. Yes, sir.

Q. You told him about it?

A. Yes, sir; I told him that.

Q. Do you know how he came to see you about it?

A. No, sir; I don't.

Q. You do tell the jury that you never discussed the matter with Effie Hoke?

A. Yes, sir.

Q. She has never spoken to you about it?

A. No, sir.

Q. What is your business or occupation?

Mr. Howth: I wish the Court would instruct the witness about that.

The Court: You can answer that question or not, just as you see fit.

Q. Do you want to answer the question or not?

A. No, sir.

Q. You don't want to answer it?

A. No, sir.

Q. You say that Florence told you Effie did not pay her fare from New Orleans?

A. Yes, sir.

Q. Where did she tell you that, and how did she happen to tell you that?

A. Out on the front porch one day?

Q. What day was that, and when?

A. It was on Sunday.

Q. How long ago?

A. About three weeks ago.

Q. About three weeks ago?

A. Yes, sir.

Q. You knew that Miss Effie Hoke had been arrested, did you?

A. Yes, sir.

Q. All the statements the girls made to you was after Effie had been arrested and the prosecution started?

A. She told me that on the front porch three weeks ago.

Q. How did she come to tell you that Effie Hoke did not pay her way over here?

A. I asked her.

Q. Why were you asking her?

A. I wanted to know.

Q. What business was it of yours?

A. None; I happened to ask her.

Q. She told you that Effie Hoke didn't pay her way over here?

A. Yes, sir.

Q. Did you tell that to anybody?

A. No, sir; except the girls in the house.

Q. You told that to the girls in the house?

A. Yes, sir; one of them.

Q. Which one?

A. Anna Smith.

Q. Was she the one you told the other to?

A. She was at the table when the other was told.

Q. Did you ever tell Miss Effie Hoke about that?

A. No, sir; I have never seen Miss Effie except on the street.

Q. You have not seen her except on the street since then?

A. No, sir; I have not.

Q. You never did tell Miss Effie about that?

A. No, sir; I have never seen her.

Q. You don't know how she came to know about it?

A. No, sir.

Q. Did you know whether that would be an important matter for you to come here and testify to that statement?

A. I knew it would be the truth.

Q. Did you know it would be an important matter on the trial?

A. Yes, sir.

Q. How did you know it?

A. I didn't know.

Q. Do you mean to tell the jury that you knew it would be an important matter to tell the jury what Florence told you; you knew that would be an important matter in this case; how did you know it, and did you know it of your own accord or did someone advise you of it.

A. No, sir; they did not.

Q. How did you know it was important, tell the jury, please; when did you first learn of the importance of that statement you are making in this case?

A. I didn't know what to tell them.

Q. You didn't now what to tell what you are talking about? I don't want to mislead you; I want you to be sure about that. You say that you knew this statement

you are making as to what Florence told you, that Effie Hoke didn't pay her way over here, you knew that was an important statement in this case; when did you first get acquainted with the importance of the matter; who told you of the importance of it; how did you know that it was a very important matter?

A. I guess I didn't know.

Q. Did you know it or not? You said a while ago you knew it was important; what did you mean by that? Isn't it a fact that someone told you about it?

A. No, sir.

Q. Is it not a fact that someone told you that was the very heart of this case; that if she did pay their way over here for the purpose of prostitution, it was a violation of the law, and if she did not it was not?

A. No, sir.

Q. How did you know of its importance, if somebody didn't tell you? Can you answer from what source you got the information that it was important; how you came to learn of its importance; do you know, just tell it; how you first learned of its importance?

A. I don't know; I have not got anything to say about that; I don't know.

Q. You say you cannot tell about that; now, why did you ask Florence that question as to whether Effie Hoke paid her way over here; why did you ask that question, if you didn't know the importance of it, and how did you learn the importance of it?

A. I asked her out on the front porch one day.

Q. Why did you do it?

A. I don't know; I just asked her.

Q. Had you ever heard it discussed that it was a violation of the law to pay a woman's way from one State to another for the purpose of prostitution? Why did you ask that particular question whether or not Effie paid her way over here?

A. I don't know; I just asked her.

Q. How did it happen that you took the most vital point in the case to ask the question about?

A. I just did it because I asked her about it and she told me, and that was all there was to it.

Q. Had you ever talked with anybody about it, or heard it discussed before?

A. No, sir.

Q. You had never heard it discussed or talked about before you asked that important question of Florence Hays?

A. No, sir.

Questioned by the Court:

Q. Who did she say paid her way over here?

A. She didn't say.

Q. She just said Effie didn't do it, and didn't say who did it?

A. No, sir.

Q. Did she say she paid her own way?

A. No, sir.

Q. Did you ask her if Effie paid her way over here?

A. Yes, sir.

Q. You asked her if Effie paid her way over here, and she said no, and didn't say who paid it?

A. No, sir.

RE-DIRECT EXAMINATION.

Questioned by Mr. Howth:

Q. I will ask you if the arrest of Effie had been discussed, and was a matter of common knowledge in the restricted district; you knew she had been arrested?

A. Yes, sir.

Q. You knew what she was charged with, and that was a matter of common knowledge down there and generally discussed?

A. Yes, sir.

Q. Just tell the jury when I first asked you about that matter; tell when was the first time I ever spoke to you about the matter?

A. Last night.

ANNA SMITH, A WITNESS FOR THE DEFENDANTS, TESTIFIED:

Questioned by Mr. Howth:

Q. Your name is Anna Smith?

A. Yes, sir.

Q. Did you ever live in any other place except Beaumont?

A. Yes, sir; New Orleans.

Q. Is New Orleans your home?

A. Yes, sir.

Q. You used to live in New Orleans?

A. Yes, sir.

Q. And live in Beaumont now?

A. Yes, sir.

Q. How long have you lived in Beaumont?

A. I have lived here a year, off and on.

Q. Do you know Carrie Bryant's place at 127 North Rampart Street in New Orleans?

A. Yes, sir.

Q. What kind of place is that?

A. An assignation house.

Q. I will ask you to tell the jury if you know what kind of girls visit the wine rooms in New Orleans?

A. Sporting girls.

Q. I will ask you to state to the jury whether there are few or many sporting girls in New Orleans; are there a few sporting girls in New Orleans, or a great many?

A. There are a great many.

Q. Is the city of New Orleans over-crowded with girls of that kind—sporting girls?

A. Yes, sir.

Q. The supply of girls of that kind is more than the demand for them?

A. Yes, sir.

Q. Do you know what effect that has upon their earning power in plying their vocation; do they make much or little?

A. I find Beaumont a much better town than New Orleans for girls, because it is cheaper there than New Orleans; I mean the prices are not so good in New Orleans as in Beaumont.

Q. Is that fact generally known by the girls of that class in that city?

A. Yes, sir.

Q. Is it generally known?

A. Yes, sir.

Q. I will ask you if you ever lived at Effie Hoke's place?

A. I did when I first came to this town.

Q. I will ask you if she ever bought stuff for you without knowing, without your knowledge and consent, in order to keep you in her house?

A. No, sir; she did not.

Q. I will ask you to state whether or not, when you were an inmate of her house, you turned over to her your earnings?

A. No, sir; I did not.

Q. What did you do with your earnings?

A. I kept them.

Q. You paid to her your board out of your earnings?

A. Yes, sir; I paid my board when it was due and kept my earnings myself.

Q. She didn't make you turn over all your earnings and pay you what was due you at the end of the month?

A. No, sir.

Q. She didn't keep you in debt by buying things you didn't want and didn't ask for?

A. No, sir.

Q. Do you know Annette Hays?

A. Yes, sir; since I have been in Beaumont I know her.

Q. Do you know Ouida Landry?

A. Yes, sir; I knew her in New Orleans.

Q. Was she a sporting girl, or not?

A. Yes, sir; she lived on two streets in a sporting house; one was St. Louis Street.

Q. How far were those places from Economides' place?

A. Four or five blocks; one of them was around the corner from his place.

Q. Do you know how long she was a sporting girl in New Orleans?

A. No, sir; I don't know how long, but I know she was a sporting girl in New Orleans.

Q. Do you know Annette?

A. Only since I have been here in Beaumont.

Q. I will ask you if Annette didn't say in your presence, and in the presence of Lucille Gray, at Bessie Dean's place, on Monday at breakfast, or about that time on April 3rd, that they would not have given Effie any trouble but for Ouida Landry; that Ouida persuaded them to bilk Effie, and that Ouida always bilked the landlady?

A. Yes, sir; she did.

Q. That they tried to bilk Effie, and Effie had them arrested, and then they had Effie arrested for revenge?

A. Yes, sir; she said that, too.

Q. You have already stated that you know Ouida Landry?

A. Yes, sir.

Q. I will ask you if it is not a fact that Ouida Landry, when you met her on Crockett Street in the Faymous Saloon, the day she got out of jail, did not tell you that Effie could not get ahead of them, and that they had had her arrested, or were going to have her arrested, for spite?

A. Yes, sir; she said that.

CROSS-EXAMINATION.

Questioned by Mr. Ownby:

Q. Where do you live?

A. I live at Bessie Dean's house.

Q. You are another one of the girls from Miss Bessie Dean's.

A. Yes, sir.

Q. Miss Bessie Dean is the landlady of a house?

A. Yes, sir.

Q. You are one of the girls, and live in the house?

A. Yes, sir.

Q. What is your business or occupation?

A. I am a sporting girl.

Q. You are a sporting girl?

A. Yes, sir.

Q. Do you mean that you are a girl engaged——

Mr. Howth: I think that is sufficient.

The Court: Yes, sir.

Q. At one time you lived at Effie Hoke's?

A. Yes, sir; I lived there when I first came to this town.

Q. Where did you come from?

A. New Orleans.

Q. How did you happen to come over here?

A. Miss Effie and Hazel were in New Orleans for the Carnival, Mardi Gras.

Q. Miss Effie and Hazel were in New Orleans for the Carnival?

A. Yes, sir.

Q. She got you to come over here?

A. No, sir; I came of my own accord, and paid my way and everything.

Q. You met her over there?

A. I met her at the Carnival Ball.

Q. She talked to you about Beaumont?

A. No, sir; she didn't talk to me about Beaumont; I knew Pauline Wilson, and she told me Beaumont was a good town for a girl.

Q. Pauline and Effie were acquaintances in New Orleans?

A. Yes, sir.

Q. When Effie goes to New Orleans she goes to Pauline's house and stops?

A. Yes, sir.

Q. She was stopping there then?

A. I don't know; I didn't meet her in Pauline's house.

Q. You know they are acquaintances, and when Effie goes to New Orleans she stops at Pauline's house?

A. Yes, sir; I guess so.

Q. Didn't Effie tell you it was a good place for girls?

A. No, sir.

Q. Did you come back to Beaumont with Effie?

A. I came on the same train with her.

Q. Any other girls along?

A. Yes, sir; a friend of mine.

Q. What was her name?

A. I think her name was Lillie.

Mr. Howth: I think that is objectionable on two grounds. It was not an offense at that time; it is objectionable on that ground because it was not an offense at that time, and it could not be used against her because it is too remote in point of time, and not a contemporaneous crime that indicates motive, and she is not charged in the indictment with having persuaded the girl to come to Beaumont.

Q. You are referring to the trip last November from New Orleans to Beaumont?

A. I said the Carnival two years ago.

Q. You came to New Orleans with her?

A. I did not come with Effie; I was on the same train with her; she left the same night I did.

The Court: I will exclude that part of it.

Q. You didn't meet her over there two years ago?

A. Yes, sir; I did.

Q. You came back on the same train with her?

A. Yes, sir.

Q. And went to her house and lived how long?

A. I stayed with Effie a couple of months and went back home.

Q. Did you come back here again?

A. Yes, sir.

Q. And then you went to Effie Hoke's?

A. No, sir; I lived with her once when I came back, and then went to Anna Smith's.

Q. What is your name?

A. Anna Smith.

Q. Is Anna Smith related to you?

A. No, sir.

Q. You went to another woman's house?

A. Yes, sir; I lived at several places before I did at Miss Dean's.

Q. You have lived at different sporting houses?

A. Yes, sir.

Q. You say that among the prostitutes in New Orleans that Beaumont has the reputation of being one of the most desirable places as a money-making propositions for prostitutes in the country?

A. Yes, sir.

Q. That Beaumont is a favorite spot to which you tried to immigrate when business gets slow anywhere else?

A. Yes, sir.

Q. So you try to get into Beaumont when times are dull in New Orleans?

A. Yes, sir.

Q. Did I understand you to say that prices were higher and men more liberal in Beaumont than in New Orleans?

A. Yes, sir.

Q. That is another reason that the business is more profitable here than in New Orleans, the prices were higher?

A. Yes, sir.

Q. That is true, is it?

A. Yes, sir.

Q. It is true?

A. Yes, sir.

Q. Is it not a fact that the reason you make that statement is to make an impression on the jury, that possibly these girls came to Beaumont—Annette, Florence and Gertrude—of their own volition and were not persuaded, because of the reputation Beaumont had among the sporting girls of being a place where women could reap a rich harvest?

A. I did.

Q. How is that?

A. I did.

Q. Girls try to come to Beaumont when business is slow in New Orleans, and they come here for that reason?

A. Yes, sir.

Q. I will ask you this question: Did you not make that statement before the jury in order to show or impress on the jury that those girls came over here on their own motion because they thought business was good here, and not because Effie Hoke persuaded and induced them to come?

A. I would not say that Effie persuaded them to come, and I would not say that they came of their own accord because they thought business was better here, but I will say on my own accord that business is better in Beaumont than in New Orleans.

Q. You say that New Orleans is such a bad place for prostitution as a business proposition. I will ask you if, as a girl wears out in New Orleans, if she is not considered like an old stock of goods, out of fashion and

style, and when she is not in style she is considered out of the fight?

A. They have so many girls in the Reservation, and they are all cheap girls.

Q. You testified to some statement these girls made to you; which one of the girls made the statement to you about having Effie Hoke arrested?

A. I was present one morning at the breakfast table and she said she was sorry she had Effie arrested, and would not have had her arrested if it had not been for Ouida persuading her to bilk Effie, and she was used to bilking the landladies. Annette said that at the table.

Q. Do you know whether Annette had Effie arrested?

A. I don't know. I met Ouida on Crockett Street one evening as I was coming home.

Q. I am speaking about Annette?

A. I don't know Annette at all, only since I am in this town, and heard her pass this remark.

Q. Do you know whether she had Effie arrested?

A. She said those words.

Q. Are you sure about that?

A. Yes, sir.

Q. When and how?

A. It was at the breakfast table, Monday morning.

Q. How long ago?

A. This Monday morning.

Q. You say that Annette Hays told you she had Effie Hoke arrested?

A. She said she would not have bilked Effie Hoke if she had not—

Q. What do you mean by bilked?

A. I wish you would give me time to explain; I am telling the truth.

Q. What do you mean by the word bilked?

A. It means a great deal with people in the Reservation; that is when they get in debt to the landlady and move out without paying her.

Q. Effie told you she had the women arrested for that; I mean Annette?

A. I didn't say Annette said that; I said Ouida said that.

Q. What was it Annette told you at the breakfast table?

A. She said at the breakfast table that she would not have had anything to do with the case if it had not been for Ouida; that Ouida induced her to bilk the landlady out of the money; that she didn't have anything against Effie Hoke; that she was just bilking her because Ouida ribbed her to bilk her. I did not say that this girl said she had Effie arrested; I said Ouida said it.

Q. Didn't you say in answer to Mr. Howth's question that at the breakfast table you and Lucile were there and that Annette said she would not have had Effie arrested but—

A. Would not have beat her out of the money if it had not been for Ouida.

Q. She did not say anything about having her arrested at all?

A. No sir, Ouida said that.

Q. Annette never told you she had the woman arrested or had anything to do with having Effie arrested?

A. No sir.

Q. That is your statement now?

A. Yes sir. She made the statement that Ouida was the one that induced her to bilk Effie Hoke.

Q. All you heard Annette say was at the breakfast table when Lucile was there, and that was that Ouida Landry induced her to try to bilk Effie Hoke?

A. That is it.

RE-DIRECT EXAMINATION.

Questioned by Mr. Howth:

Q. Did she not also tell you that she tried to bilk Effie at the instance of Ouida, and after having her ar-

rested they told the story about paying their way over here to get even with her, I mean after she had the girls arrested?

A. Ouida said that.

OUIDA LANDRY, BEING RECALLED BY THE DEFENDANTS, TESTIFIED:

Questioned by Mr. Howth:

Q. Is it not a fact that on the day you left Effie Hoke's house you telephoned Effie Hoke from Mr. Baten's office or in that building that if she did not let you girls have your clothes you would have her pulled under the white slave law?

A. No sir.

CROSS EXAMINATION.

Questioned by Mr. Ownby:

Q. Did you know anything about or had you heard at that time about such a thing as the White Slave Law?

A. I never heard of it; I didn't know anything about it.

Q. At that time did you know anything about it?

A. I never heard of it.

Q. Did you know anything about it until this prosecution was begun and you were summoned as a witness?

A. No sir, I didn't know anything about it.

THOS. J. BATEN, A WITNESS FOR THE DEFENDANTS, TESTIFIED:

Questioned by Mr. Howth:

Q. You are a lawyer here in this city?

A. Yes sir.

Q. Your office is in the Gilbert Building?

A. Yes sir.

Q. I will ask you if it is not a fact that the day these three Hays girls and Ouida Landry left Effie Hoke's house if Ouida Landry did not telephone to Effie Hoke in your presence, and say that unless she, Effie Hoke, gave them their clothes that she would have her pulled under the White Slave Law?

A. Yes sir, but not in those exact words, but in substance. I would like to explain a little fuller than your question indicates. She used the term "White Slave business."

CROSS EXAMINATION.

Questioned by Mr. Ownby:

Q. That was the day that Effie Hoke had her arrested?

A. I don't know that it was that day; I don't know anything about the arrest; they told me of course; I don't know anything about that, but when they came to my office they were talking about being arrested.

Q. Did they come there to consult you professionally as a lawyer?

A. Yes sir.

Q. And they were talking to you as their lawyer?

A. Yes sir.

Q. In a professional way?

A. Yes sir. They were wanting me to represent them in getting their things.

Q. Did you represent them?

A. Yes sir.

Q. In getting their things?

A. Yes sir.

Q. In this controversy between them and Effie Hoke?

A. Yes sir.

Q. They came there and said that Effie had their clothes and would not give them up?

A. Yes sir.

Q. And they came there to consult you as a lawyer, and it was during your employment as their lawyer that you heard this telephone conversation?

A. Yes sir, I overheard it.

Q. You overheard Ouida Landry telephoning to Effie Hoke?

A. Yes sir.

Q. Had you not talked to them about the white slave business?

A. No sir, I did not.

Q. Didn't you tell them that there was such a law?

A. No sir, they asked me if Effie could not be pulled under the White Slave Law or something like that.

Mr. Howth: We object to that.

The Court: You having introduced a part of the conversation, the balance can be brought out.

Mr. Howth: I have a right to contradict the witness by showing contrary statements made outside of court to show motive and malice. Now the witness can not be bolstered up. The same rule that permits the witness to be contradicted does not permit the witness to be bolstered up.

The Court: The testimony is admissible as far as it has gone.

Q. I will ask you if this telephone conversation of Miss Landry with Miss Hoke was not after a conversation you had with these girls and at your suggestion?

A. They were in consultation with me some time. After they had the telephone conversation the girls talked with me again.

Q. Was not this telephone conversation at your suggestion?

A. I don't know whether I suggested to them that they telephone her or not.

Q. Can you say you did not tell them to phone her?

Mr. Howth: We object to that as immaterial. If the malice exists, it don't make any difference whether it originated with them or from outside sources.

Objection overruled.

Defendant excepts.

Q. As I understand it, they were consulting with you as their lawyer to get their clothes from Effie Hoke, and you heard Ouida telephone Effie Hoke that if she did not let them have their clothes, she was liable to be arrested under the White Slave Law; can you say whether that was done at your suggestion or not?

Mr. Howth: It is not material as to whether Ouida Landry originated the idea or not. It is only the contradiction of the witness that is material. We have proved that she did send the message, and it seems to me that ought to be the end of it.

Objection overruled.

Defendant excepts.

The Witness: (Last question having been read to him), I don't know; I don't think I suggested to her to have any such conversation with anyone; I don't think I did because at that time I do not believe I knew what the White Slave Act was, and the suggestion of the White Slave law was first made by Ouida Landry; that is by one of the two or three girls; Ouida seemed to be the spokeswoman.

Q. You can not say whether that telephoning by Ouida Landry was done at your suggestion or not?

A. No sir, I could not say positively.

Q. You say that this woman knew more about the White Slave Law than you as a lawyer did, and in fact as a lawyer you had never heard of it, but this woman had?

A. Yes sir, I knew in general terms that there was such a thing as the White Slave Law, but I didn't know what it was?

Q. And this matter you are now testifying to in this case came to you in the confidential relation of client and attorney, did it; is that true that what you are now testifying to now came to you through the confidential relation with your client?

A. I never heard of this before.

Mr. Howth: I want to suggest that the communication was to a third person, and therefore does not come within the rule of a privileged communication.

The Court: I will let the witness answer.

Defendants except.

Q. Is this matter about which you are testifying here now part of a matter that came to your knowledge while you were being consulted by these people as their lawyer?

A. Yes sir.

Q. And during the time of the confidential relation that existed between client and attorney?

A. Yes sir.

Questioned by the Court:

Q. You say you heard Ouida Landry say over the 'phone to somebody that if she did not let her have her clothes, she would have her prosecuted under the White Slave business?

A. Yes sir.

Q. What else did you hear her say over the telephone to the party with whom she was talking?

A. Well, to make it plain so you may understand it, I will have to give the details. The purpose of the girls coming to see me was to get their clothes. I was loth to go into that.

Q. Here is what I want: Tell the jury in addition to the remark you say you heard Ouida Landry make what else did she say over the telephone?

A. She asked her if she could get her clothes, and I presume Effie refused to let her have them until she paid the bill. I could not give the words she used, but the substance of it. She told Effie in substance, the best I remember, that if she did not give her her clothes,—she threatened her with the White Slave Act, would pull her or some term of that kind, and she spoke as if she knew what the White Slave Act was. I think the words were these, "Do you know what I can do with you under the White Slave Act?" The conversation was broken off very abruptly by the party at the other end hanging up the 'phone.

Q. Was there anything else said by the two parties talking over the 'phone?

A. I don't know whether that was the last said or not.

Q. Was that all that was said over the 'phone by the parties about the White Slave Act?

A. Yes sir, and she said "I will have you pulled under the White Slave Act."

Q. You heard her say "Effie, you know what I can do with you under that law?"

A. Yes sir, something like that.

Mr. Howth: We except to the remarks and the questions by the Court.

W. E. MARTIN, A WITNESS FOR THE DEFENDANTS, TESTIFIED:

Questioned by Mr. Howth:

Q. You are a police officer in this city?

A. Yes sir.

Q. Do you know the smallest of the three Hays girls, Gertrude by name?

A. Yes sir, I know the smallest one, I believe; I have seen her.

Q. I will ask you if she did not tell you or if you did not hear her say in your presence that she came to Beaumont of her own free will, and that she was of age; just answer that yes or no?

A. She was not talking directly to me.

Q. Did you hear her say that?

A. Yes sir.

Q. That was in Effie Hoke's house?

A. Yes sir.

Q. Was Effie present?

A. Yes sir.

Q. When was that?

A. I don't know exactly the time. That was some little bit before the carnival I believe.

Q. Did Effie Hoke tell her to make that statement?

A. She didn't tell her anything only to get her clothes and leave.

Q. Is that the way she came to make that statement, because she told her to get her things and leave?

A. I suppose so. She said she came of her own free will and was of age.

Q. Did she also say she wanted to remain here?

A. She said she didn't want to leave.

CROSS EXAMINATION.

Questioned by Mr. Ownby:

Q. How did you come to be at Effie Hoke's house that day?

A. She called me in there. Effie Hoke did.

Q. What did she want with you?

A. There were two fellows with the two girls, and she said they had carried the grips out and she was expecting trouble.

Q. Did she call you in or telephone you?

A. She called me in; she said two boys had stolen two of the girls or gotten two of the girls out of the house, and she said they were there trying to get out with the grips and she stopped them or something of the kind; the girls were out at the time.

Q. This little Gertrude was still there?

A. Yes sir. She never called me in there until she got back from the court house; I suppose she had been down to court or somewhere and called me in.

Q. She called you in?

A. Yes sir.

Q. The other girls had gone?

A. Yes sir, all gone but the youngest one.

Q. The other girls had gone and the youngest one was there alone in the house with this madam, Effie Hoke?

A. Yes sir. Hazel Hoke and another girl were also there.

Q. She was in the house of prostitution with Effie Hoke and Hazel Hoke who also runs a house of prostitution?

A. Yes sir.

Q. This girl was there alone with them?

A. No sir, there was another girl there with her.

Q. How did she come to tell you that she came of her own accord and that she was 18 or 19 years old?

A. When Effie came back she seemed to be very angry; she called the girl by her name, and said "Go up stairs and get your clothes and leave, these other girls have mistreated me, I want you to leave my place, and the girl cried and said she wanted to stay there; that she was 18 years old and wanted to stay; that she didn't want to go with the other girls.

Q. How did she come to say that she was 18 years of age?

A. There was something said about their age.

Q. Who said anything about the age of the girls?

A. I think the girls had mentioned that at the court house, and there was something said about her not being of age, and she said she was 18. That was when Effie went to have them arrested, and there was something said about having girls in her house under 16 years of age; I don't know much about that. I know that something had been said about the age of the girls or something.

Q. Something had been said in the court house about the age of the girls?

Mr. Luzenberg: I object to that; I don't think that is material. All he can testify to is what was said.

The Court: He can only testify to what was said.

Q. How long was it after Effie Hoke came back to her place down there from the court house was it that you were called in there and this girl made the statement that she was 18 years of age?

A. She told me she wished I would walk down to the house, and when I got there Hazel was there and they were sitting in the room talking, and when Effie came in the conversation started and the girl said she was a grown woman and was 18 years of age.

Q. You don't know what Effie Hoke had said to her on the subject before that?

A. No sir.

Q. You don't know whether she told the girl to say that or not?

A. No sir, I do not.

Q. When Effie told her to get her clothes and leave there, her sisters were not there?

A. No sir.

Q. Did you arrest these girls?

A. No sir.

Q. Which one of officers arrested the girls?

A. I am not right positive now. I think it was Mr. Morgan. They were arrested at night.

Q. Do you know how many times they were arrested?

A. No sir, I know I never did arrest them.

Q. You don't know who filed the complaint against them?

A. No sir, I do not.

Q. At the time you mention the other girls had gone out with their clothes; had they taken their clothes or not?

A. I don't know whether they had or not. Effie said two boys were coming down stairs with the grips and she stopped them, but they had gone out without the grips.

Q. Two boys had come down stairs with the clothes of the girls in the grips?

A. Yes sir.

Q. She said she wanted you to come there and look after the matter?

A. She said they had come there and interfered with her business, and she told me to stay there; that she expected they would come back. I stopped in there to keep peace. If they had come there and raised a disturbance, I would have put them in jail. Of course if they took the clothes out, I had no jurisdiction of that. If they disturb the peace, of course we can take them.

Mr. Howth: We offer in evidence the warrant of arrest issued for Effie Hoke on the 13th of March, and the officer's return issued out of the United States Court issued in 1911.

BASILE ECONOMIDES, ONE OF THE DEFENDANTS.

Questioned by Mr. Luzenberg:

Q. What is your name?

A. Basile Economides.

Q. What nationality are you?

A. Greek, sir.

Q. Where is your home?

A. New Orleans.

Q. How long have you lived in New Orleans?

A. About thirty years.

Q. What business were you in at the time of your arrest on this charge?

A. The bar room business.

Q. Had you ever been arrested for anything in your life prior to this charge?

A. No sir, never in my life.

Q. Where is your business situated?

A. Iberville.

Q. How long have you been in the bar room business?

A. About eighteen months.

Q. 18 months?

A. Yes sir.

Q. What was your business before that?

A. I was on the police force.

Q. You were on the police force in New Orleans; did you resign from the force?

A. Yes sir.

Q. Did you know this girl Annette Baden before November of last year?

A. Yes sir.

Q. Did you know Florence Baden, her sister?

A. Yes sir.

Q. Did you know Gertrude Baden?

A. Yes sir.

Q. How long had you known them?

A. Five or six months, something like that.

Q. Can you remember how long before November?

A. Five or six months.

Q. Where did you meet them?

A. At my place.

Q. What kind of business do you conduct?

A. Bar room and restaurant and wine room up stairs.

Q. The bar room was where?

A. Down stairs. It was at the corner of Iberville and Rampart.

Q. Up stairs was what?

A. The wine room.

Q. How did you get up stairs to the wine room?

A. There was an entrance from the street outside.

Q. You can go up stairs without going through the bar room?

A. Yes sir.

Q. Now up stairs you have what?

A. A wine room.

Q. Where is the wine room?

A. Up stairs.

Q. Where is the restaurant?

A. Down stairs.

Q. How many wine rooms have you?

A. Four and one big dining room.

Q. Four little wine rooms?

A. Yes sir.

Q. How are the wine rooms furnished?

A. With tables and easy chairs.

Q. Now, Mr. Economides, did women come into your wine rooms?

A. Yes sir.

Q. What kind of women came there?

A. Not respectable women, common women and streetwalkers.

Q. Did any respectable women come into your place?

A. No sir.

Q. Did respectable people come in your place down stairs?

A. Yes sir.

Q. Women or men?

A. Men.

Q. Do you know how many times these girls had been in your place during the five months you had known them?

A. Sometimes twice a day they would come there.

Q. Did they ever come there at night?

A. Yes sir, sometimes at one o'clock and half past one; not later than half past one.

Q. You mean at all hours of the night?

A. Yes sir, different times. They would come not later than that time.

Q. Who were they with when they came, by themselves or with somebody?

A. Sometimes by themselves and sometimes with young men.

Q. Would the three girls come together?

A. Sometimes two sisters, and one time I put the little one out of my house.

Q. Why did you put the little one out?

A. Somebody made some remark about her age. I told the older ones I didn't want the sister in my place, and they asked why and I said she was too young, and she said I was mistaken and that her sister was 18 years old.

Q. Which one of the sisters said she was over age?

A. The two older ones.

Q. Prior to November had you known Miss Effie Hoke?

A. Yes sir. I had seen her at my place.

Q. I mean prior to November had you met her?

A. Yes sir, I had seen her in my place.

Q. Where had you seen her?

A. In the wine room up stairs.

Q. Now, do you remember the time about the middle of November that she was in your wine room up stairs?

A. Yes sir.

Q. The time that this charge grows out of?

A. Yes sir.

Q. You remember that time?

A. Yes sir.

Q. Do you remember what time she came there, about what time?

A. I could not tell exactly, between four and six some-time.

Q. Some time between four and six?

A. Yes sir.

Q. Was she by herself?

A. Yes sir, by herself.

Q. During that afternoon did you see any of the Baden girls there?

A. Yes sir, two sisters.

Q. Which two?

A. The two older ones.

Q. Where did you see them?

A. Up stairs in the wine room with Miss Effie.

Q. You saw them in the wine room up stairs?

A. Yes sir, with Miss Effie.

Q. Is that the first you saw of them, when you saw them up stairs; did you see them when they came in?

A. No sir, I didn't see them when they came in. I can not say when they came in but the first time I saw them they were up stairs.

Q. At that time in the evening is that busy time with you?

A. Yes sir.

Q. What part of the business do you attend to, what do you do?

A. I attend to the bar room and restaurant and the dining room and everything.

Q. How many bar counters have you?

A. One. I have one bar counter and one bar keeper and one porter.

Q. Do you serve the bar?

A. Yes sir, sometimes I do, and sometimes I help in the restaurant; I go all around.

Q. When you saw the two girls what were they doing?

A. Drinking.

Q. Did you have a conversation with them, or do you remember whether you had a conversation with them or not?

A. I don't know exactly whether I had a conversation with any of them or not.

Q. Did you go from room to room or stay in one place?

A. No sir, I went from room to room.

Q. Do you chat with the different people in the different rooms?

A. Yes sir, sometimes I am in one room and sometimes in another; I have one thing and another to talk about, and I am always trying to please the people.

Q. Do you know Miss Wilson?

A. Yes sir.

Q. Was anything said to you at any time by any one of those girls about Miss Wilson, or did you say anything to either of them about going to Miss Wilson's house?

A. Yes sir, I told the second one—

Q. Which one is that?

A. I don't know the girls' names; I never asked their names; I don't know their names. I know them by face is all. I know that one is thinner than the other, the second one is the one I was talking to.

Q. The second one?

A. Yes sir.

Q. What conversation did you have with her and when?

A. One night she came out and outside of the wine room and called me out, and said "Economides, I want you to do me a favor," and I said "What favor do you want of me?" Many times they would ask for a dollar or a half dollar, and will give it back.

Q. They ask you many times for a dollar or a half dollar and they pay it back?

A. Yes sir, they are poor girls and she asked me for \$25.00. I asked her for what, and she said she wanted to leave the town, and I said "No, don't leave the town, if you want to go to a place like that, go to Miss Wilson's house, and I will help you pay board; I can not give you my money to go to another town."

Q. When was that?

A. That was the same evening that Miss Effie Hoke and the girls were in the wine room.

Q. Did you have any reason for not wanting the girl to leave town?

A. They were good customers of mine, and would bring all kinds of drummers into my place, and all kinds of people, and they would bring \$10.00 or \$15.00 in to my place every night.

Q. Did they come there every night or not?

A. Yes sir, they were there every night and sometimes twice a night.

Q. The three girls meant about \$10.00 to you bringing drummers there?

A. Yes sir, about that.

Q. Now, do you remember seeing the little one there that night or not?

A. No sir, I do not.

Q. Do you know whether she was there or not?

A. No sir, I could not say.

Q. She might have been there that night?

A. Yes sir.

Q. Do you remain in the room with them any of the time?

A. Yes sir, I was in there.

Q. Were you in and out of there all the time?

A. I was in and out.

Q. You were talking to other people?

A. Yes sir.

Q. Do you remember the day of the month that was?

A. No sir, I do not.

Q. Is there anything that fixes on your mind the time?

A. There was a deputy Marshal came in and said "Mr. Economides——

Q. I do not speak of the time you were arrested; I don't want that; I will ask you how it is that you remember it was in November?

A. The girl asked me for some money and that makes me think of it.

Q. Is that the way you fix it?

A. Yes sir.

Q. Did you see them when they left?

A. No sir.

Q. Who paid for the drinks they had in your place?

A. Miss Effie.

Q. Miss Effie was with the girls?

A. Yes sir.

Q. Did they pay you or pay the porter?

A. The porter.

Q. He is the man that waits on the tables?

A. Yes sir.

Q. Did you see them go out?

A. I am not sure; I think so.

Q. If you are not sure, why are you not sure; if you saw them say so; do you remember whether you saw them when they left?

A. I could not say exactly; they left at six or seven o'clock.

Q. You can not tell?

A. No sir.

Q. Did you at any time tell any of the girls to come to Beaumont?

A. No sir, never.

Q. Did you at any time send for Florence to come to your place and meet Miss Effie Hoke?

A. No sir, I did not.

Q. Did you call Annette that evening when she was going by and tell her you wanted her to meet a lady from Beaumont?

A. No sir.

Q. Did you introduce her to Miss Effie Hoke?

A. No sir.

Q. Did you know anything at that time about any trouble arising out of their meeting there?

A. No sir.

Q. Did you think anything about it until the Marshal arrested you?

A. No sir.

Q. Is that all you remember about it or do you remember any more?

A. That is all I remember, sir.

Q. When was the first time you were ever in Beaumont?

A. Last Monday.

Q. Have you any interest in Miss Effie Hoke's house?

A. No sir.

Q. Did you know anything about her house?

A. No sir.

Q. Or the kind of house she kept?

A. No sir.

Q. Did you know she was a sporting woman?

A. Yes sir.

Q. If she had been anything else she would not have been in your place?

A. No sir.

Q. Did you tell Annette that if she did not like Beaumont, she would be able—that she could write to you for money to come home and you would send it to her?

A. No sir.

Q. Did you tell any of the girls that?

A. No sir.

Q. Did you ever receive any letters from any of them?

A. No sir.

Q. Do you know anything about the case that I have not asked you?

A. No sir, I don't know anything about it.

CROSS EXAMINATION.

Questioned by Mr. Ownby:

Q. What is your name?

A. B. Economides.

Q. Basile Economides?

A. Yes sir.

Q. How long have you lived in New Orleans?

A. About thirty years.

Q. Of what nationality are you?

A. I am a Greek.

Q. Are you a naturalized citizen?

A. Yes sir.

Q. Are you educated or an uneducated man?

A. I speak four or five languages.

Q. You speak four or five languages?

A. Yes sir.

Q. How long were you a policeman in New Orleans?

A. Fifteen years and three months.

Q. That was prior to the time you went into the saloon business?

A. Yes sir.

Q. You were well acquainted with the business and social life and conditions in New Orleans, were you?

A. Yes sir.

Q. I will ask you if you were not a special policeman at the theatre for eight years?

A. At the French Opera.

Q. In the winter time for about eight years?

A. Yes sir.

Q. You are a man of information, are you?

A. Yes sir.

Q. You are not an ignorant man, and speak four or five different languages?

A. Yes sir.

Q. Did you ever act as interpreter of languages in court?

A. Yes sir.

Q. In the United States Court and the State Court?

A. I was at the Commissioner's office.

Q. You are a man, then, of some prominent in New Orleans?

A. I think so.

Q. You had been a policeman for 15 years and a special policeman for eight years at the French Opera, and you spoke four languages and had been an interpreter in some of the courts?

A. Yes sir.

Q. After you quit being a policeman you went into the saloon business?

A. Yes sir.

Q. At the place you have described?

A. Yes sir.

Q. How long ago was that?

A. About the 24th of November, a year ago.

Q. Last November a year ago you went into the saloon business?

A. Yes sir.

Q. From the position you occupied you then went into the saloon business?

A. Yes sir.

Q. And that was one inhabited by the prostitutes and social outcasts of the city, is that so?

A. I don't think it is any disgrace for a man to try to make an honest living.

Q. You were making a living by going into the sa-

loon business in a section of the city where only the social outcasts would enter?

Mr. Luzenberg: He has said that respectable men went there.

Q. No decent and respectable woman ever visited that saloon?

A. No sir, I think not.

Q. Did that saloon have that character at the time you took charge of it; was that its business at that time?

A. Usually all the bar rooms have wine rooms up stairs.

Q. You have described the character of saloon you run there; I want to know if it had that character and that no decent woman would enter it, and was only entered by the prostitutes and social scum and outcasts of society at the time you took charge of it?

A. Yes sir.

Q. How long had you known these sisters?

A. Five or six months.

Q. Before November 14?

A. Yes sir.

Q. When did you first get acquainted with Florence Hays and under what circumstances, and where?

A. Up stairs in my wine rooms.

Q. Now, I will ask you, Mr. Economides, if at about the time you say you first got acquainted with her, if she and a friend of hers had not been to the theatre and had come out of the theatre and were walking down the street and you walked up and touched her friend on the shoulder, and said "Why don't you introduce me to your friend?"

A. No sir.

Q. That didn't occur?

A. No sir.

Q. And if her friend did not introduce you and that

you invited them to your house to take a drink in your place of business?

A. No sir.

Q. That didn't occur?

A. No sir.

Q. Now, I will ask you if later on you did not offer to give her theatre tickets to go to the theatre?

A. No sir.

Q. Did you ever give her any theatre tickets?

A. No sir.

Q. When did you first meet Annette Hays, the oldest sister

A. All four of them came in my place once.

Q. Who was the fourth one?

A. The three sisters and another girl with them.

Q. Who was the other one?

A. I don't know her name. Those girls know her and if they want to tell the truth, they will tell her name.

Q. How did you get acquainted with them?

A. I saw them with the crowd up stairs.

Q. Are you acquainted with the working class of girls in New Orleans; that is, do you know them when you see them; you have been a policeman?

A. Yes sir.

Q. Do you know the class of people that work in shops and factories and offices?

A. Yes sir.

Q. I will ask you if it is not a fact that those girls, many of them from different sections within reach of your place of business after the working hours are over don't come there and get a glass of beer in your saloon?

A. No sir, not the respectable girls.

Q. Working girls come there?

A. No sir.

Q. No working girls ever come into your saloon?

A. No sir.

Q. Your saloon absolutely does not draw anything except street-walkers and the lower order of society?

A. No respectable ladies come up stairs in my place.

Q. Do any of the working girls, the girls who toil in shop and factory, come to your saloon?

A. May be so, and may be not, I can't tell you.

Q. How would you know whether a respectable girl went up stairs or not?

A. No respectable girl would take the chance.

Q. Your place was of such a character that you do not think they would take the chance of going in there; that is the statement you make, is it?

A. No sir, they would not come there.

Q. Would not working girls, those who working with their hands and by the sweat of their brows for a living, and not by prostitution, come into your place?

A. I don't think they would.

Q. You don't think they would?

A. No sir.

Q. You say that at one time the little girl Gertrude was in your place of business, and you remember her being in there?

A. Yes sir, many times.

Q. You say she was there many times?

A. Yes sir.

Q. You say at one time you made her leave your place?

A. Yes sir, a policeman come to me and said I ought not to permit her to come, that she was too young, and I made her leave.

Q. He told you you should not allow her to be there?

A. Yes sir.

Q. How long had she been coming to your place before the policeman called your attention to the fact that you were permitting that young girl to be in your place?

A. May be five or six times, not only to my place but all around.

Q. I speak about your place; she had been in there five or six times, and you did not say anything to her until the policeman told you to stop her from coming there?

A. The policeman said he did not think she was of age and the best thing would be to find out, and I went up stairs to see the sisters, and they said she was 18 years old, and I came down stairs and reported to the policeman, and he said it was all right.

Q. How long ago was that?

A. Last summer.

Q. You continued to let her come there?

A. Yes sir.

Q. You did not say anything about it until the policeman called your attention to the matter, and then the sister said she was of age?

A. Yes sir, the oldest one said she was 24 years old.

Q. When did you first become acquainted with Effie Hoke?

A. I don't remember, last summer.

Q. Some time last summer?

A. Yes sir.

Q. Is it not a fact that Effie Hoke went over to New Orleans last summer, about the time of the carnival in New Orleans, and that was the time you met her there; you say it was last summer some time?

A. Yes sir.

Q. She was over there?

A. Yes sir.

Q. Is that the first time you met her?

A. Yes sir, the time before that I met her.

Q. The time before November?

A. Yes sir.

Q. You never met her before last summer?

A. I met her once before that.

Q. Once before last summer?

A. Yes sir.

Q. When was the first time you met her?

A. I think three months before; I could not tell exactly.

Q. She would visit your place of business, Miss Effie?

A. Yes sir.

Q. You and her were well acquainted?

A. Yes sir.

Q. Do you know Pauline Wilson who lives in New Orleans?

A. Yes sir.

Q. How long have you been acquainted with Pauline?

A. Nine or ten months, something like that.

Q. Only nine or ten months?

A. Yes sir.

Q. I will ask you if it is not a fact that you and Pauline Wilson are quite well acquainted?

A. She buys liquor from me.

Q. Is she not quite well acquainted with you and are you not quite well acquainted with her; I mean in a business and social way?

A. Yes sir, in a business way.

Q. Did you ever visit her house?

A. Yes sir, sometimes I have with strangers.

Q. Sometimes you wanted to have a good time and would go to Pauline's?

A. No sir, customers would come and want to have a nice time, and I would go with them.

Q. When you wanted to have a good time with customers you would go to Pauline's house?

A. Yes sir.

Q. Pauline Wilson and Effie Hoke were acquainted?

A. I don't know sir.

Q. Did you see them together in your place?

A. Yes sir.

Q. Did you see them together at Pauline's house?

A. No sir.

Q. You never saw them together at Pauline's house?

A. No sir, I know Miss Pauline told me Effie was living at her house.

Q. Pauline told you that Effie would stop at her house when she would come to New Orleans, and you saw them in your saloon together?

A. Yes sir.

Q. Did I understand you to say on direct examination that the first time you saw these three girls the evening they started to Beaumont was when they were in the wine room with Effie Hoke?

A. Two of them. I didn't see the little one.

Q. The first time you saw Annette and Florence that evening was when they were up stairs in your wine room in company with Effie Hoke?

A. Yes sir.

Q. Who else was there?

A. No one, I saw Effie Hoke and the two sisters.

Q. How did you happen to be there?

A. I was going in and out every moment, we have all kinds of crowds up stairs sometimes.

Q. I will ask you if it is not a fact that that evening Annette and Florence, her sister, were passing down the street, and you called to them to come back?

A. No sir.

Q. That is not true?

A. No sir.

Q. Is it not a fact that Annette Hays did come back at the time I mention now?

A. No sir.

Q. To the front of your saloon?

A. No sir.

Q. Is it not a fact that you asked her why her sister didn't come back?

A. No sir.

Q. Isn't it a fact that she told you her sister had to go to work at the theatre?

A. They never worked.

Q. She never told you that?

A. No sir.

Q. Isn't it a fact that you sent a little boy down to the theatre to tell Florence to come up to your saloon?

A. No sir.

Q. That is not a fact?

A. No sir.

Q. Is it not a fact that Florence came down to your saloon, and you told them Effie Hoke, a lady from Beaumont, was over there and you wanted to introduce them to Effie Hoke?

A. No sir.

Q. Is it not a fact that you told them that Effie Hoke was keeping a private boarding house, and that they could make better wages in Beaumont working in the stores than there?

A. No sir.

Q. Is it not a fact that you telephoned to Pauline Wilson's for Effie Hoke to come down there?

A. No sir.

Q. Is it not a fact that she did come down there and you introduced her to these girls and told her or rather told the girls that there was the lady you had been telling them about, and told Effie Hoke that there was the girls you had been telling her about that she wanted to go with her to Beaumont?

A. No sir.

Q. That is not true?

A. No sir.

Q. Didn't you and Effie talk with those girls and tell them they were only making four or five dollars a week in New Orleans, and they could make better wages in Beaumont working the stores and millinery stores, and that they could come to Beaumont, and that Effie kept a private boarding house there?

A. No sir.

Q. Were you not ordering drinks there; you and Effie both?

A. I didn't order any drinks; that is up stairs and the saloon is down stairs.

Q. Is it not a fact that you and Effie were ordering drinks up in the wine room where the girls were, and they were drinking, with the purpose and intention on your part and on the part of Effie Hoke to get those girls under the influence of liquor so as to make it an easy matter to get them to come to Beaumont?

A. No sir.

Q. Is it not a fact that Florence Baden said she must go back to the show and go to work at the picture show selling tickets, and you said "Come on and have another drink, don't be a piker?"

A. No sir.

Q. Is it not a fact that you told Effie Hoke that those two girls had a younger sister, and she ought to get her and take her along too?

A. No sir.

Q. Is it not a fact that Effie Hoke in your presence gave Florence Baden fifty cents, and told her to go for her little sister?

A. No sir.

Q. Is it not a fact that Florence Hays left there, and in a little while came back with Gertrude, the younger sister, to your place of business?

A. I don't remember that.

Q. Do you remember seeing Gertrude in your place of business that night?

A. I don't remember if I saw her.

Q. If she had been there, you would have known her?

A. No sir, I don't know whether she came there or not, the young one.

Q. Is it not a fact that she came there and you ordered more drinks and got a few drinks down her?

A. No sir, I never had any drinks with those girls at all.

Q. Is it not a fact that a taxicab was called and those three girls got into a taxicab at your place?

A. No sir.

Q. And went from there to Pauline Wilson's where Effie Hoke was stopping?

A. No sir.

Q. Is it not a fact that in your presence and at your saloon a taxicab was ordered to take those girls to Pauline's place?

A. I don't know.

Q. How did they leave your place that night?

A. I don't know; fifty would go up stairs and fifty come down.

Q. Did you see them leave?

A. No sir.

Q. Did they go away with Effie Hoke?

A. I can't tell you that.

Q. They were in your wine room up stairs?

A. Yes sir.

Q. In company with Effie Hoke?

A. Yes sir.

Q. Did you have any conversation with Effie Hoke and these girls up stairs?

A. If I did, I don't remember.

Q. Now tell the jury that you can't tell whether you had a conversation with Effie Hoke and these two girls in the wine room that night or not?

A. I don't remember; they may have asked me questions, I don't remember it.

Q. You don't remember whether you had any conversation or not?

A. I don't remember what kind of conversation I had with them.

Q. Did you have any or not?

A. I was bound to have had some with them.

Q. You admit that you did have a conversation with them, but can't state what it was?

A. No sir.

Q. Now, you made the statement in your direct examination that Annette Baden, the oldest sister, wanted to borrow \$25.00 from you?

A. Yes sir.

Q. She said she wanted to leave town, did she?

A. Yes sir.

Q. You would not loan it to her?

A. No sir.

Q. The reason you would not loan it to her was because she would come into your place and bring people in?

A. Yes sir, those girls when they would come in there would be worth ten dollars to me.

Q. You wanted to use her as a business proposition?

A. No sir, the customers.

Q. Didn't want her to leave town because she was a money making proposition for the saloon?

A. Well, with people like her customers would come in and spend money in the saloon.

Q. Now, I will ask you if it is not a fact that on this occasion after you had gotten acquainted with Florence Baden, the second sister, if you did not try to induce her to go and live in Pauline's house, a house of assignation?

A. I don't remember if I told her that.

Q. Now, didn't you say on direct examination that when Annette Baden wanted to borrow the \$25.00, that you told her not to leave, but to go to Pauline Wilson's place and you would see that her board was paid?

A. Yes sir, that I would pay her board.

Q. You knew that was a house of prostitution?

A. Yes sir.

Q. And you told her to go to that house of prostitution?

A. Yes sir, and I would see that her board was paid.

Q. You would stand good for the board with the Madam?

A. Yes sir.

Q. I will ask you if it is not a fact that it was not on this night at all, but on other occasions that you tried to get Annette Baden to go and stay in Pauline Wilson's house, and that you would pay her board, and did not she tell you she could not do it, that her people lived there and they would find it out?

A. Those girls went to Pauline's house several times; they used to go there, and tell me about it.

Q. They went all the time to the assignation houses?

A. Yes sir.

Q. They would go to Pauline Wilson's and would tell you about it?

A. Yes, sir.

Q. You say it is not a fact that she told you she could not go there because her people would find it out?

A. No sir.

Q. After you got acquainted with Florence, the second sister, I will ask you if you did not make the same proposition to her to go to Pauline's house?

A. When?

Q. Before this time on the 14th of November?

A. No sir.

Q. At any time?

A. No sir. I thought you meant the same night, the night she asked for money.

Q. You never did make that proposition to Florence?

A. No sir.

Q. You never did tell her that she could be hid up there, and they could not find her?

A. No sir.

Q. I believe you stated on direct examination that the first you knew that there was anything wrong in

sending girls from New Orleans to Beaumont was when this suit came up?

Mr. Luzenberg: The District Attorney is mistaken about that.

Q. I will ask you if you did not state on direct examination that you didn't know there was any such law or anything wrong with getting them to come over here?

A. No sir.

Q. You didn't state that?

A. No sir.

Q. You did not state anything of the kind?

A. No sir.

Q. You knew Effie Hoke was a sporting woman, did not you?

A. Yes sir, certainly.

Q. That she was a madam?

A. I knew that she was a sporting woman; I didn't know whether she kept a house or anything of the kind.

Q. You were a policeman for eighteen years over there and a special policeman for eight years; didn't you know of your own knowledge that it was a fact that these houses are being constantly recruited by the efforts of the madams to get girls into the houses?

A. I didn't know about those three girls.

Q. Having been a policeman for eighteen years and a special policeman for eight years, don't you know it is a fact that there is a constant effort on the part of the madams of the houses to get women in the houses, and to keep the houses recruited with working material?

A. No sir.

Q. You didn't know that?

A. No sir.

Q. Did you know then and do you know now how many women are gotten into those houses, women who go into the houses of prostitution?

Mr. Luzenberg: We object to that. The inquiry should only apply to this case.

Objection sustained.

Q. Are you a married or single man?

A. I am a married man.

Q. You are a man of family?

A. Yes sir.

Q. How many members of your family and what sexes?

A. I have one boy and two girls.

Q. You have one boy and two girls?

A. Yes sir.

Q. How old are your two girls and are they married or single?

A. They are single; one is 13 and the other 11 or 12.

Q. You are the father of those girls?

A. Yes sir.

Q. Their mother is living?

A. Yes sir.

RE-DIRECT EXAMINATION.

Questioned by Mr. Luzenberg:

Q. Does your family have anything to do with your business?

A. No sir, my family lives three or four miles from my business.

Q. Do they ever come to your bar room?

A. No sir, never.

RE-CROSS EXAMINATION.

Questioned by Mr. Ownby:

Q. Did you ever tell either one of those girls that night in your saloon before they started to Beaumont to tell Effie Hoke that they owed you \$6.00 or \$12.00 or \$18.00, owed their land-lady?

A. No sir.

Q. You didn't do that?

A. No sir.

RE-DIRECT EXAMINATION.

Questioned by Mr. Luzenberg:

Q. Your family are very much distressed over this charge, are they not?

A. Yes sir, certainly.

Q. What was your salary when you were on the police force?

A. \$65.00 a month.

Q. You were asked about that night, remembering having a conversation with the defendant Effie Hoke and these two girls when they were in the wine room; were you going in and out of the wine rooms where the people were?

A. Yes sir.

Q. Were you down stairs in your bar room too?

A. Yes sir.

Q. And talking to everybody around there?

A. Yes sir.

Q. You were around with all of them?

A. Yes sir.

Q. Did you expect that any charge would grow out of those girls being there?

A. No sir, I didn't.

Q. Did you know anything about any charge growing out of it until about a month ago?

A. No sir, two weeks ago.

Q. It would be about three weeks now?

A. Yes sir.

Q. Did you have any reason to remember anything that took place there?

A. No sir, I didn't think I did anything wrong.

Q. How long did you promise to pay the girls board if she went to Pauline's?

A. One or two weeks.

Q. Would you remember anything about their being there in November except from the fact that this girl wanted to borrow some money from you?

A. Yes sir, she asked for money and that is the only way I remember it.

Q. I understood you to say that these girls told you they had been to Pauline Wilson's at different times?

A. Yes.

Q. Do you know whether they had or not or just what they told you?

A. That is all, what they told me.

Q. Did you know anything about these girls coming here with Miss Effie Hoke up to the time you were arrested?

A. No sir.

MISS EFFIE HOKE, ONE OF THE DEFENDANTS,
TESTIFIED AS FOLLOWS:

Questioned by Mr. Howth:

Q. What is your name?

A. Effie Hoke.

Q. How old a woman are you?

A. 32 years old.

Q. Where are you now living?

A. At San Antonio with my mother.

Q. How old is your mother?

A. 76.

Q. What business do you follow in San Antonio?

A. I keep a boarding house.

Q. Ladies or gentlemen?

A. Gentlemen and ladies also. I keep married ladies living with their husbands.

Q. You are running a respectable boarding house?

A. Yes sir.

Q. How long have you been engaged in that business?

A. I went there the 20th of December.

Q. Do you do your own work there?

A. Yes sir, the most of it.

Q. Were you in New Orleans in November, 1910?

A. Yes sir.

Q. How long did you stay there at that time?

A. 10 days.

Q. Is that the last trip you ever took to New Orleans?

A. Yes sir.

Q. November, 1910, was the last trip you made to New Orleans?

A. Yes sir.

Q. Tell the jury what you went there for, was it for the purpose of getting girls or for the purpose of recreation and diversion?

A. I had been in the house here, and went there to rest up and recreation and for a good time.

Q. Did you have any friends there?

A. Yes sir, I had several friends there.

Q. Did you know Pauline Wilson?

A. Yes sir, I was visiting Pauline Wilson.

Q. Did you know her when she lived in Beaumont?

A. Yes sir, I have known her 12 years.

Q. Pauline at one time lived in Beaumont?

A. Yes sir.

Q. Do you know how long Pauline lived in New Orleans at the time you visited her in November, 1910?

A. I don't think much over a year at that time.

Q. About a year?

A. Yes sir.

Q. At that time were you conducting any kind of business in Beaumont?

A. Yes sir.

Q. Tell the jury what it was?

A. I was running a sporting house on Bonham Street in Beaumont.

Q. When you left here did you leave any girls in the house?

A. Yes sir.

Q. How many girls did you leave there?

A. Four girls.

Q. Do you know their names?

A. Yes sir.

Q. Tell the jury their names?

A. One named Ada, another named Lucile, another named Ouida Landry.

Q. She is one of the girls who have testified in this case?

A. Yes sir.

Q. Tell the jury the name of the other girl?

A. Lucile.

Q. You have mentioned Lucile and Ouida and Ada; what was the name of the other girl, if you remember?

A. There was another girl named Cora from Houston.

Q. Had you been in the habit of making trips occasionally?

A. Yes sir, quite often.

Q. During the time you were living in Beaumont running a sporting house was it or not your habit to visit other cities?

A. Yes sir.

Q. Did you ever visit Houston while you were conducting a sporting house?

A. Yes sir.

Q. You would leave some of the girls in charge of your place?

A. Yes sir, and go off for a few days recreation.

Q. Did you ever go to Marlin and San Antonio for rest and recreation?

A. Yes sir.

Q. Does the land-lady of a sporting house have arduous duties to perform, and do they not have to have rest at intervals?

A. Yes sir.

Q. State how many times you had been away before that, and at what intervals and where you went

A. Since I have been in Beaumont I made many a trip away. I have been to New Orleans a half dozen times and to Mobile and St. Louis and up in Illinois and up at Jackson, Tenn., and over to Houston and Galveston several times, and to Marlin three or four times.

Q. Did you ever go to any other place?

A. Yes sir, I have been to lots of country towns; I lived in Batson a while.

Q. Did you know Pauline Wilson at Batson?

A. Yes sir.

Q. Was Pauline running a sporting house then?

A. No sir, she was married and lived with her husband.

Q. You went to San Antonio?

A. Yes sir.

Q. Was your mother living there at that time?

A. Yes sir. She was living there with a married sister.

Q. Does your mother know anything about the trouble you are in in Beaumont?

A. No sir.

Q. You are trying to keep that away from her?

A. Yes sir.

Q. Now, I understand you to say that at the time you went to New Orleans you stayed there ten days for the purpose of recreation?

A. Yes sir.

Q. And to see Pauline?

A. Yes sir.

Q. During the time you were there did you go about the different assignation houses and wine rooms?

A. Yes sir. I went around all the wine rooms and some of the assignation houses, just around drinking.

Q. You were just around drinking?

A. Yes sir.

Q. I will ask you if there is any other place except that kind of place that a sporting woman can go?

A. No sir, if you are known you can not go anywhere except to the wine rooms.

Q. You had Pauline with you?

A. Yes sir, she was known and that was the only place of recreation for us. You could go to the theatres, but I never went to the theatres.

Q. Would they or not have allowed you to stop at the hotels if you were known?

A. No sir, I don't know; I never did try.

Q. Now you have visited these wine rooms with other women?

A. Yes sir.

Q. Did you meet few or many women there?

A. I met a great many, both women and men.

Q. Well, was it the custom or not among the frequenters of wine rooms to get acquainted with each other or were they formal and stiff?

A. Everybody was sociable.

Q. Did you get acquainted with many girls there?

A. Yes sir, lots of girls.

Q. Do you remember the names of the girls you met there?

A. I don't remember many of their names; I met Pauline Wilson's daughter over there, and I met Annette and Florence Baden.

Q. What kind of women frequented those places?

A. Sporting women.

Q. Were those or not the kind of women you met there?

A. Yes sir.

Q. You have stated that you met Annette, Florence and Gertrude?

A. No sir, I didn't meet Gertrude.

Q. You only met Florence and Annette.

A. Yes sir.

Q. When was the first time you ever saw Gertrude?

A. In Beaumont.

Q. When was that?

A. When I came home from New Orleans.

Q. You had never seen her before?

A. No sir.

Q. When did you first meet Florence and Annette, did you meet them both at the same time or at different times?

A. I met Florence first last July at Billie Seebold's place. I met her in several different wine rooms; the first time I met her was at Billie Seebold's.

Q. Did you meet her before you made this last trip?

A. Yes sir, I met her on another trip in July.

Q. Before that in July?

A. Yes sir.

Q. How many times were you in New Orleans in 1910?

A. I am sure I was there twice in 1910.

Q. Your first visit was in July?

A. Yes sir.

Q. And your second visit in November?

A. Yes sir.

Q. You met Florence the first time in Billie Seebold's wine room in July?

A. Yes sir.

Q. Did you get acquainted with her?

A. Yes sir, she wanted to come home with me and I didn't have any room, and I told her I was full up.

Q. Did she inquire where you lived?

A. Yes sir.

Q. She knew you were a sporting woman?

A. Yes sir.

Q. Where did she know you, she inquired where you lived and whether you were running a sporting house?

Mr. Ownby: We object to the question as leading.

Objection sustained.

Q. State what Florence said when you first met her and got acquainted with her, whether you had any drinks, and whether you had a conversation, and what the conversation was?

A. We had several drinks; there were several other girls and boys there, but I knew none of them. She said she wanted to go home with me, and I did not have a room. I told her I had more girls in Beaumont than I needed, and I then went on about my business.

Q. After you left New Orleans in July did Florence pass out of your mind, or did you keep her in mind?

A. I never thought about her any more until I met her the last time.

Q. That was in November?

A. Yes sir.

Q. Where did you meet her then?

A. In Mr. Economides' place.

Q. Did you drink together?

A. Yes sir, I was sitting there when they came in. I was sitting there, and they came in, her and her sister.

Q. Which one of the sisters?

A. Annette, and she introduced me to Annette, and we had a lot of drinks together.

Q. Did she renew her former acquaintance; did you recognize her when she came in?

A. No sir, not until she reminded me that we had met before.

Q. Did you then remember having seen her before?

A. I didn't for a while until we got to talking about it.

Q. After you had talked it over as to where you had met, did you remember having met her?

A. Yes sir.

Q. Did she recollect where she had met you?

A. Yes sir.

Q. That was the trip in November?

A. Yes sir.

Q. That was the trip to New Orleans when you remained there ten days?

A. Yes sir.

Q. Now, I will ask you if you met her during that ten days in wine rooms or not?

A. Yes sir, I met them often.

Q. You met them often after that in the wine rooms?

A. Yes sir.

Q. Did you meet them more than one time at Economides' place?

A. Yes sir, and met them at several other places too.

Q. Did you meet them more than once at Economides' place?

A. Yes sir, twice or three times.

Q. During the time you were there?

A. Yes sir.

Q. At different times?

A. Yes sir.

Q. Tell the jury whether these girls or either of them, either Florence or Annette, said anything to you about wanting to come to Beaumont where you lived?

A. They asked where I lived and of course I explained that to them, and they wanted to come to Beaumont. They wanted me to let them have money to leave New Orleans and said they were not getting along well, and I would not let them have any money; they mentioned it to me two or three times. I told them I had more girls at home than I needed, and that I did not need any girls.

Q. Was it necessary for you to pay the expenses of girls from New Orleans?

A. No sir.

Q. Was there any occasion for your doing that?

A. No sir, there was plenty of girls there that had money of their own.

Q. Did you have any desire or wish to have these girls come to Beaumont?

A. No sir.

Q. When they expressed a desire to come and said they were not getting along well, did you make any reply to that as to whether you wanted them to come or wished you to come, and for them to see you in the event they did?

A. I don't understand you.

Q. When they said they wanted to come to Beaumont, did you advise them to come?

A. No sir, I did not.

Q. Did you ask them to come to Beaumont?

A. No sir, I did not.

Q. Did you suggest to them to come to Beaumont?

A. No sir, I did not.

Q. Did you coerce or force them to come to Beaumont?

A. No sir.

Q. Did you induce them or persuade them to come?

A. No sir.

Q. Or intimate to them in any way that you wished them to come?

A. No sir.

Q. Did you in fact wish them to come to Beaumont?

A. No sir.

Q. Now, tell the jury why you didn't let them have any money?

A. Well, I didn't know the girls and they didn't look like they could do well over here, and there were lots of girls over here.

Q. How did the girls look at that time?

A. They didn't look good.

Q. Did they look attractive or not?

A. No sir, they did not.

Q. Did they have any clothes?

A. No sir, they didn't have good clothes and their shoes were worn out.

Q. Why didn't you think they would do well in Beaumont?

A. Well, I didn't think they would make any money here.

Q. On account of their appearance at that time?

A. Yes sir. That was as much as anything else.

Q. When did you leave New Orleans, what day of the week was it?

A. It was Wednesday night.

Q. Did you see the girls at any time before you left?

A. No sir.

Q. How many days was it before you left that you saw them?

A. Several days before I left. Two or three days before I left.

Q. Two or three days before you left?

A. Yes sir.

Q. Do you remember when you saw them before you left?

A. No sir, I don't remember.

Q. Do you remember where you last saw them?

A. No sir, I do not.

Q. Do you remember whether you were drinking before you left?

A. I was drinking at all the wine rooms.

Q. Were you excessively intoxicated at any time before you left there?

A. Yes sir, I was awful full.

Q. Do you remember when that was?

A. Yes sir, I was full for two or three days and don't remember anything.

Q. Were you intoxicated to such an extent that you had to go to bed and sober up?

A. Yes sir.

Q. How long did it take you to get off of that drunk?

A. Two or three days.

Q. I understand you to say that the girls Florence and Annette asked you for money?

A. Yes sir.

Q. And that you declined to let them have it?

A. Yes sir.

Q. You never asked them to come here or advised them to come or persuaded, induced or enticed them to come?

A. No sir, I did not.

Q. Now when they came here was that by reason of your persuasion, or did they come of their own voluntary will?

A. I don't know how they came; when I got here they were here.

Q. Did they come because of their own free will or because you desired them to come?

A. No sir.

Q. It was of their own free will?

A. Yes sir.

Q. Did you procure any tickets for these girls to come to Beaumont?

A. No sir, I did not.

Q. Did you furnish any money for that purpose?

A. No sir, I did not.

Q. Do you remember loaning or giving either of the girls any money?

A. No sir.

Q. Do you remember giving anybody else any money for the purpose of procuring transportation for these girls to Beaumont?

A. No sir.

Q. Now, when you got back to Beaumont you found the girls here?

A. Yes sir.

Q. Was Ouida Landry here then?

A. Yes sir, she was.

Q. How long had she been here previous to your return to Beaumont?

A. I don't know exactly, I don't remember that.

Q. She was here when you left?

A. No sir, she was not.

Q. She was not here when you left?

A. No sir.

Q. Do you know when Ouida Landry came to Beaumont?

A. No sir.

Q. Did you know she was coming to Beaumont?

A. No sir, I did not.

Q. You knew that Ouida was coming to Beaumont, didn't you?

A. Yes sir. I knew she was coming to Beaumont.

Q. She came over here while you were in New Orleans?

A. Yes sir.

Q. Did she ever live at your house before that?

A. She was to live at my house before I left Beaumont.

Q. Did Ouida come there of her own free will or at your request?

A. Of her own free will.

Q. Did you furnish her transportation to come on?

A. No sir, I did not.

Q. I will ask you whether it is or not a fact that the girls in large cities and not necessarily in New Orleans, that it is true that they are overworked as sporting girls and don't make much money?

A. Yes sir.

Q. I will ask you to state whether or not it is a fact that the sporting girls and working girls in the larger cities are not desirous of going to other places where they can earn more money?

A. Yes sir.

Q. Does it take any inducement to get them to leave the larger cities and go to other places?

A. No sir.

Q. Do you have to induce or aid or assist them?

A. No sir.

Q. When you returned you found these girls here?

A. Yes sir.

Q. Were they or not without clothing?

A. The girl that was in charge of the house had bought them some clothes before I came home.

Q. She bought them clothes, before you returned?

A. Yes sir.

Q. Did you buy them more clothes after you got back?

A. Yes sir.

Q. Which ones did you buy clothes for, all?

A. All of them, underclothes and shoes and stockings, and I bought a hat for Annette, the oldest one.

Q. Where did you buy them?

A. From Miss Truitt.

Q. Did you buy any cheap dresses for them?

A. Yes sir.

Q. Who did you buy them from?

A. One from a peddler for Florence and one from Mr. Jones for Annette.

Q. Did you buy the clothing for them at their request?

A. Yes sir. They selected them and I paid for them.

Q. Have they ever paid you for those things?

A. No sir.

Q. Did they owe you any money at the time they left your house?

A. Yes sir.

Q. How much did they owe you?

A. I don't know exactly. I knew I would never get it and never kept any account of it.

Q. Did they offer to pay you at the time they left?

A. No sir.

Q. I will ask you if they ever undertook to leave there while you were asleep without paying you what they owed you?

A. They tried to get away and got out a suit case that had a few things in it.

Q. Did you undertake to interfere with their leaving before they paid you what they owed you?

A. They were gone before I knew it and a man came for two more suit cases and I didn't let him have them. Two of the girls left.

Q. You could not prevent the two girls going?

A. No sir.

Q. When the man came for the two suit cases you interfered with him and asked him not to take them out?

A. Yes sir, that is right.

Q. I will ask you if you remember sending out any complaint against the two girls or complaining to any officers?

A. An officer sent for me and I went and talked to him about the girls, and he said I had better get rid of them, that they were not the right kind of girls; that was Mr. Giles. He said they were not the right kind of girls to have down there, and they were going to cause me trouble. I went and tried to have them arrested, and they would not arrest them.

Q. Do you know whether they were arrested?

A. They were arrested by the City a couple of times but not through me.

Q. They were arrested for being in respectable hotels in this town?

A. Yes sir.

Q. Was that before or after they left your place?

A. After they left my place.

Q. I will ask you if any one or all of these girls ever made any threats against you as to what they would do to you if you did not allow the balance of their clothing to be taken out?

A. Yes sir, they sent several men down there.

Mr. Dailey: We object to that as hearsay.

Objection sustained.

Defendants except.

Q. Did anybody come to you?

A. Ouida telephoned me.

Q. She 'phoned you?

A. Yes sir.

Q. What did she say to you over the telephone?

A. They would put me out of business if I didn't give them their clothes.

Q. Did she threaten you with prosecution under the White Slave Act?

A. I knew nothing about it.

Q. Did she tell you she would prosecute you under the White Slave Act if you didn't give them their clothes?

A. Yes sir.

Q. What did you tell her?

A. I told her I would give them their clothes when they paid me what they owed me.

Q. Now, where were you arrested under this bill of indictment?

A. I was sent for to come from San Antonio and arrested in Beaumont; I didn't want my mother to know about it.

Q. You didn't want your mother to know about it?

A. No sir.

Q. You spoke of being very drunk a day or so before you left New Orleans?

A. Yes sir.

Q. Where did you start to drinking?

A. At Pauline Wilson's.

Q. Did you drink anywhere else?

A. Yes sir.

Q. Where?

A. At Billie Seebold's place.

Q. Did you drink at Jack Robertson's place?

A. Yes sir, and I drank at two or three other places.

Q. Did you leave Economides place and go to Pauline's place during the time you were getting on the big drunk?

A. Yes sir.

Q. Where did you become so intoxicated you had to be put to bed?

A. At Pauline's place.

Q. Was that the last drunk you were on?

A. Yes, sir.

Q. You sobered up and returned to Beaumont?

A. Yes, sir.

Q. I understand you to say you don't remember seeing the girls at Pauline's place?

A. No, sir; I didn't see them there.

Q. You don't remember seeing them there?

A. No, sir.

Q. If you saw them there, it was during the period of your excessive intoxication?

A. Yes, sir.

CROSS-EXAMINATION.

Questioned by Mr. Ownby:

Q. How long have you been in Beaumont?

A. Off and on for several years.

Q. How long have you lived in Beaumont?

A. I have lived here off and on for several years.

Q. About how long?

A. I kept house here four years and a half.

Q. You know how long you have lived in Beaumont?

A. Five or six years, I guess; I have been in and out of this town fifteen years since I first turned out.

Q. Where else did you live?

A. What other cities do you mean?

Q. Yes.

A. I have lived in quite a number of cities.

Q. In Texas, I mean?

A. I have lived in Houston, and I have lived in Orange and Batson and Sour Lake and Saratoga; I don't believe I have lived in any other towns in Texas; I lived at Tyler, and also Marshall.

Q. Are you a married or a single woman?

A. I have been married twice.

Q. Are you married now or not?

A. No, sir; I am a divorced woman now.

Q. What has been your business or occupation all these years?

A. Sometimes I was married, living decent; and sometimes I have lived in a sporting house.

Q. How long have you been the madame of a sporting house?

A. -Just a little over four years; I went into a sporting house four years ago, this coming June will be five years; I went out on the 20th of December last.

Q. Up to that time you had been engaged in the business of a prostitute, and had been in a house?

A. Yes, sir.

Q. When did you first become a prostitute?

A. It has been so long ago I have forgotten; fifteen or sixteen years ago.

Q. You became the madame of a sporting house four years ago, and previous to that time your business and occupation had been that of a common prostitute?

A. Yes, sir; most of the time; I have been married twice.

Q. You began to run this house in Beaumont about four years ago?

A. Yes, sir.

Q. How long have you known Pauline Wilson?

A. I have known Pauline twelve or thirteen years; about twelve, anyway.

Q. Where did you know her?

A. I knew her in New Orleans and Beaumont and Batson, and also in Houston.

Q. You made frequent trips to New Orleans?

A. Yes, sir.

Q. What would you go to New Orleans for?

A. I would just go over there to rest up and just for a good time; I would have a little money and would want to rest up.

Q. Where would you stop in New Orleans?

A. I would stay at different places; the last few times I was there I stopped at Pauline Wilson's.

Q. You say that the duties of your business as the madame of a house of prostitution became very arduous, and it became necessary for you to take frequent trips for relaxation and the restoration of your health and nervous system; is that true?

A. Yes, sir; that is so.

Q. The last few times you stopped at Pauline Wilson's?

A. Yes, sir.

Q. Were you acquainted with her daughters?

A. One of her daughters lived with me the last couple of years.

Q. What was her given name?

A. Lucille.

Q. She lived in your house for two years?

A. Yes, sir; she did.

Q. Did you see her in New Orleans this last trip?

A. She was here.

Q. Did you see in New Orleans this girl Lucille?

A. Yes, sir; when I first went over there.

Q. When you first went to New Orleans you met Lucille?

A. No, sir; I met her other daughter; she has two daughters.

Q. I thought you said you met Lucile over there?

A. No, sir; she was here in my house at the time.

Q. You said when you first went to New Orleans she was there, and you met her there; is it not a fact that you sent her over here?

A. No, sir.

Q. You saw her there, and she came over here after you met her on that trip; is not that a fact?

Mr. Howth: We object to that. She is not charged with sending Lucille over here. The evidence shows that Lucille was in Beaumont when this woman went to New Orleans, and it could not be used as an extraneous matter to indicate motive and system because it occurred at another time remote from the date alleged in the indictment.

Objection overruled.

Defendants except.

Q. Now state if you met her when you went on that trip?

A. I met her there lots of times.

Q. Did you see her there at that time?

A. No, sir; she was not there.

Q. Now, I want to know about the time when you said you went to New Orleans and met her there?

A. She was not there at that time.

Q. When you first went over there you met her?

A. No, sir; she was not there; Pauline has two daughters.

Q. You met Lucille when you went over there on that trip?

A. No, sir.

Q. You did not?

A. No, sir.

Q. Did you meet Ouida Landry on that trip?

A. No, sir; she was over here.

Q. While you were there?

A. Yes, sir.

Q. Didn't she come over here after you went to New Orleans on that trip; I would like for you to be particular about those statements; didn't you see Ouida Landry when you first went over there on that trip, and while you were still over there, and got her to come here?

A. No, sir; she was in my house at that time, and I didn't know anything about her.

Q. She didn't come to your house after you went to New Orleans?

A. No, sir.

Q. When you went to New Orleans on the last trip in November, you didn't meet Ouida Landry over there?

A. Yes, sir.

Mr. Howth: Our exception goes to that, also.

Q. You say you didn't need any girls in your house, and that you had it full?

A. No, sir; I had one vacant room when I went to New Orleans.

Q. What girls did you have there?

A. I had Carrie and Lucille and Ouida and I had a girl named Florence from Marlin.

Q. They were in your house when you went on that trip to New Orleans?

A. Yes, sir.

Q. Now, isn't it a fact that when you went to New Orleans your house was closed up?

A. No, sir; it was not.

Q. And that there was no one there except a girl named Ada?

A. No, sir.

Q. Is it not a fact that you met Ouida Landry in New Orleans on that trip when you first went there?

A. No, sir.

Q. And that you also met Lucille, Pauline's daughter; and is it not a fact that you gave the key to Lucille to your house, and that you sent Lucille and Ouida Landry over here to open your house?

A. No, sir.

Q. And that nobody was in your house at that time?

A. No, sir; there were people in my house all the time.

Q. Those girls you name were in your house while you were in New Orleans?

A. Yes, sir.

Q. Where are those girls now?

A. Ouida Landry is here, and one of them is in Houston, and one in Galveston, and I don't know where the others are.

Q. You know that they are now scattered and gone?

A. Yes, sir.

Q. How long were you in New Orleans prior to the 14th of November?

A. I was there ten days.

Q. When did you go to New Orleans?

A. I don't remember.

Q. You got back on the 15th?

A. No, sir, on the 17th; I got here on the morning of the 17th.

Q. How long were you in New Orleans?

A. I was there ten days.

Q. You got there ten days before the 17th?

A. Yes, sir.

Q. I believe you stated in your direct examination that while in New Orleans you spent most of your time in the wine rooms and saloons and in the houses of prostitution?

A. Yes, sir; I certainly did.

Q. Drinking and having a good time?

A. Yes, sir.

Q. And finally you got so drunk you were physically and mentally disabled, and don't know what you did; when did you get so drunk as that; was it early in the game or late in the game?

A. Late in the game, after I had been there seven or eight days; the last couple of days I was there I was snowed under.

Q. You were snowed under?

A. Yes, sir.

Q. You didn't get snowed under earlier than two days before you left?

A. Yes, sir; I didn't.

Q. When did you say was the first time you ever saw Gertrude?

A. I never met Gertrude until I came to Beaumont.

Q. When was the first time you ever met Florence?

A. I met her there some time in July, when I was at Billee Seebold's place.

Q. You didn't know Annette at that time?

A. No, sir; I didn't.

Q. When did you first meet Annette?

A. When I was over there in November.

Q. Where did you meet her?

A. I met her at all the wine rooms; I first met her at Economides'.

Q. Everywhere you would go you would meet Annette?

A. No, sir; not at every place; at different places.

Q. Did you see her at any time over there at that vilest house of prostitution in New Orleans?

A. No, sir; I didn't go there.

Q. You didn't go there?

A. No, sir.

Q. What time in the evening was it that you met Annette in Economides' place?

A. I met her there several times.

Q. You got well acquainted with her?

A. Yes, sir.

Q. You had met Florence at a good many of those places?

A. Yes, sir.

Q. You had gotten well acquainted with her?

A. Yes, sir; I was not so very well acquainted with any of them; they would come in and I would buy them a drink at any time I would see them, and their friends would be along with them.

Q. You would associate together?

A. Yes, sir.

Q. When was the last time you saw Annette and Florence at Economides' place; what day was that?

A. I don't remember the date, but I believe it was Monday.

Q. Monday morning?

A. No, sir; it was in the afternoon.

Q. Monday evening.

A. Yes, sir; we were all there drinking, and I left them there.

Q. Were the two sisters there in his place?

A. Yes, sir; in the wine rooms.

Q. Who else was there?

A. A whole bunch, and I don't remember their names, boys and girls; I knew their faces, but I could not state their names.

Q. Did you see Mr. Economides there that evening?

A. Yes, sir; he was in the wine room two or three times; he would come in and have a drink; I always like to drink with the proprietor of the place?

Q. In reference to the last evening you saw the two girls in there, how long was that before you came back to Beaumont?

A. I come back a couple or three days after that.

Q. How is that?

A. I came back two or three days after that.

Q. Were you still circulating around in the wine rooms and sporting houses after that?

A. No, sir; I didn't go anywhere; I was sick; I was at Pauline's house.

Q. After the last evening in Economides' place you got sick and didn't go out any more?

A. No, sir; I went to Pauline's place and stayed there.

Q. Did you see Florence and Annette any more after that evening?

A. No, sir; I did not.

Q. The reason was that you got full and stayed at Pauline's house?

A. Yes, sir.

Q. You say that Florence and Annette wanted to come home with you?

A. No, sir; I said that Florence wanted to come home with me last July.

Q. You said the girls wanted to borrow money from you last July?

A. No, sir; Florence.

Q. She wanted to come over here with you then?

A. Yes, sir.

Q. And you didn't want her?

A. No, sir; I had a house full of people; they wanted to borrow money from me the last time I was there. There was plenty of nice-looking girls that wanted to come over here, and had the money to come.

Q. You didn't think they would be a valuable working proposition in your house?

A. No, sir.

Q. And you declined to bring them over?

A. I certainly did.

Q. Were you there present when Annette tried to borrow money from Economides?

A. I don't know anything about that at all.

Q. What other girls did you have to come over from New Orleans on that trip?

A. I didn't have any girls come over at all.

Q. No other girls came over but those three that went into your house?

A. No, sir; I didn't know those girls were here until I saw them here.

Q. How many rooms did you have in your house?

A. Only six bedrooms; I had parlors and private rooms.

Q. How many different rooms did you have?

A. I had twelve rooms in the house.

Q. Now, where was it you last saw these girls before you left New Orleans?

A. At Economides'.

Q. You are sure you saw them there last?

A. Yes, sir.

Q. That was two or three days before you came home; how long were you on that drunk that made you mentally disabled and unconscious?

A. Ten days.

Q. You were drunk that long?

A. Yes, sir.

Q. Did you stay drunk after you got to Beaumont?

A. No, sir; I sobered up at Miss Pauline's before I came home.

Q. You were only in New Orleans ten days and didn't get on this drunk only two days before you came home?

A. I was there ten days, drinking all the time; I was ten days getting on and off.

Q. You were getting on from the time you got there?

A. Yes, sir.

Q. You were on from the time you got there?

A. Yes, sir; when I arrived there the first thing I did was to take a drink.

Q. From the time you arrived you started to get drunk?

A. Yes, sir.

Q. What were you drinking?

A. I drank champagne, beer and other drinks, and anything that anybody drank I drank; I drank more wine than anything else.

Q. Isn't it a fact that you never did get as drunk as you say; and isn't it a fact that when you say you got on this big drunk you make that statement for the purpose of indicating to the jury that if you did get these girls to come over here you didn't know what you were doing?

A. No, sir.

Q. That is not true?

A. No, sir.

Q. And that if you could prove that if you were so drunk you didn't know what you were doing, that possibly under the law you would not be held responsible for what you did?

A. No, sir; such a thing as that never entered my mind at all.

Q. You say that Ouida Landry was in your house when you went to New Orleans?

A. Yes, sir.

Q. If that was true, why was it, on direct examination, you made the statement that you knew that Miss Landry was coming to your house, and she was to come before you left for New Orleans; how did you come to make that statement if she was already in your house before you went there?

A. I knew she was coming, and she did come.

Q. If she was already there, why did you make that statement that she was to come before you left?

A. She was here.

Q. You did make the two statements, they can't both be true; which is true?

A. She was here.

Q. If she was here, how did you come to make the

statement that you knew she was going to come before you left New Orleans?

A. I don't understand you.

Q. If she was here, why, on direct examination by your attorney, did you make the statement that you knew before you went to New Orleans that she was coming to your house?

A. I knew she was coming a long time before she came.

Q. Why did you make the statement that she was here before you left for New Orleans; that you knew she was coming to your house?

A. She was already here when I went to New Orleans.

Q. Now, I want to ask you the further question if you did not state on your direct examination that Ouida Landry was not in your house when you went to New Orleans, and I want to know why you made that statement?

A. If I did I made a mistake, because she was here.

Q. If you made the statement that she was not here before you went to New Orleans you made a mistake?

A. Yes, sir.

Q. You say that all the cities are over-crowded with prostitutes?

A. Yes, sir.

Q. Is it not a fact that the reason you went to New Orleans and took trips away was not because you wanted to relax yourself and rest, but because you wanted to go off and recruit the working material of your house, and that you went to New Orleans for that purpose—to get girls for your house?

A. When I kept house I had lots of letters from girls; I didn't have to go away to get girls.

Q. You didn't have to go away for girls?

A. No, sir.

Q. Did you ever visit Chicago?

A. No, sir; not for girls.

Q. Have you ever visited Chicago?

A. Yes, sir; I was raised sixty miles from Chicago.

Q. Do you remember whether or not there was a consignment of girls sent a year or two ago from Chicago to a house of prostitution in Beaumont run by a woman named Miss Effie "Blank" or Miss Mabel Belvue, something like that?

A. - I saw the statement in the papers?

Mr. Howth: We object to that, as irrelevant and immaterial.

Objection sustained.

The Court: I exclude the answer to the question and instruct the jury not to consider it.

Q. Now, you say that there were plenty of girls over there, and that the market in New Orleans was overcrowded?

A. Yes, sir.

Q. Now, didn't you make that statement to the jury in order to indicate to the jury or impress the jury with the idea that these girls were trying to get out of New Orleans and come to Beaumont, and that you did not have to persuade them or pay their way; is not that the reason you made that statement?

A. No, sir.

Q. It is not?

A. No, sir.

Q. What girl had charge of the house before you came here?

A. Lucille Camp.

Q. That is Pauline's daughter?

A. Yes, sir.

Q. She had the girls' clothes?

A. She had charge of my house.

Q. Isn't it a fact that you sent her over here from New Orleans and put her in charge of the house?

A. She has been in charge of my house since she was a little girl when I was absent.

Q. Upon this occasion you put her in charge of the house while you were in New Orleans?

A. Yes, sir.

Q. Now, I will ask you if it is not a fact that you 'phoned from New Orleans on the night of the 14th of November to Miss Lucille, telling her these girls were on the road and to watch out for them and take care of them?

A. I never 'phoned Lucille Camp while I was in New Orleans.

Q. Who did you phone?

A. I 'phoned my sweetheart, but not to that effect.

Q. It was altogether on another matter?

A. Yes, sir; it was. I told him that I had not forgotten him and would be home in a few days.

Q. You were not so intoxicated and dazed in high society in New Orleans but that you would come back?

A. No, sir.

Q. That is the only 'phone message you sent?

A. Yes, sir; I asked him to send me some money, that I wanted to come home.

Q. When was that you 'phoned to him?

A. I don't know what date it was.

Q. Was that before you got on this big drunk?

A. No, sir; it was after I got sober and before I came home.

Q. What day did you come home?

A. On the morning of the 17th.

Q. On the morning of the 17th?

A. Yes, sir; I am not sure, I got all mixed up while I was drinking and don't remember; I know it was the 17th that I got home.

Q. Do you know what day of the week it was?

A. No, sir; I know I had to pay a few bills when I got home.

Q. You bought the girls some clothes after you got here?

A. Yes, sir.

Q. And you bought some clothes from a peddler?

A. Yes, sir; I bought lots of clothes from different peddlers that come around.

Q. Is it not a fact that you bought clothes from peddlers and paid \$5.00 for them and then charged the girls \$10.00 for them?

A. No, sir; I never done anything of that kind.

Q. You didn't charge them more than you paid?

A. No, sir; I didn't.

Q. How much board did you charge the girls?

A. Seventeen dollars the year around.

Q. Seventeen dollars a week?

A. Yes, sir; winter and summer; and they had all the privileges, and electric fans and plenty to eat.

Q. Did you get on big drunks except when you were drawing that much board?

A. Yes, sir; I have been on several in Beaumont, but I stayed in my room.

Q. Is it not a fact, Madam, that you have been drunk the biggest part of your time?

A. No, sir; I have not been drunk anything to amount to anything for about six months now.

Q. Did the last drunk at New Orleans reform you?

A. Yes, sir.

Q. Isn't it a fact that you were drunk here most of the time in your house?

A. No, sir.

Q. Is it not a fact that you were drunk here in your house from the time these girls got here until they went away?

A. No, sir; most of the time I spent at the Carnival. I was there every evening and night.

Q. How long was it before the Carnival was to come off that you took the trip to New Orleans?

A. I don't know; ten days or two weeks.

Q. During the Carnival is a busy time in your business?

A. Yes, sir; that is the reason I got sober and come home.

Q. Just about two weeks before what would be the busiest time in your house you went to New Orleans, not for rest and recreation, but for the purpose of getting more working material for your house; is not that the truth?

A. No, sir.

Q. Have you not been a great drinker all the time?

A. Yes, sir; when I first turned out and went into the business I drank a great deal.

Q. Is it not a fact that the girls in your house would turn money in to you, and you would not remember anything about it the next morning?

A. I kept a bookkeeper.

Q. Name the bookkeeper, who was it; name the one who kept the books at this time?

A. Claudie.

Q. Where is she now?

A. I don't know where she is now.

Q. She has disappeared off the earth?

A. Yes, sir; any girl that was in hard circumstances I would let her have charge of the books.

Q. When you would get drunk, you would turn the business over to Miss Claudie to look after?

A. Yes, sir.

Q. How do you know that a correct account was kept?

A. Every morning the girls would come down and want to know what they had turned in.

Q. You don't know whether the woman you turned the books over to kept them right?

A. I saw the books every day; of course, I would not know whether they were right or not, but when I made

books at the end of the week with the girls it would come out all right.

Q. During this time you were drinking a great deal and turned the bookkeeping over to another girl?

A. I did not keep the books myself.

Q. I asked you a while ago who kept the books and you said a girl named Claudie, who has disappeared off the face of the earth; now you claim that these girls were trying to get away without paying you; is that right?

A. Yes, sir; they got away without paying me.

Q. They were trying to get away without paying you, and you had them arrested, didn't you?

A. No, sir; I never had them arrested.

Q. Did you make a complaint against them?

A. No, sir; the officers would not serve any papers on them; I wanted to make a charge.

Q. What were you going to charge them with; what charge did you want to make against them?

A. They were out; out walking on the street with men and everything else.

Q. Were you going to arrest them for vagrants?

A. Yes, sir.

Q. You were trying to have them arrested for prostitutes when they were following the occupation in your house, and you were the madame running the house?

A. Yes, sir.

Q. You were the mistress of a house of prostitution—

Mr. Howth: We object to that. That is not an issue here.

Objection sustained.

Q. Is it not a fact that you did file a complaint against the time I mentioned before the Justice of the Peace?

A. They were never arrested.

Q. Will you please answer the question: Didn't you swear out a written complaint against these girls, charging them with vagrancy?

A. Yes, sir.

Q. You say they were never arrested?

A. No, sir.

Q. Don't you know they were arrested two or three different times for being here on the streets?

A. No, sir; not from my complaint; they were not arrested.

Q. Not from the complaint you made?

A. No, sir. They got to running around the rooming houses and to the wine rooms, and were arrested by the city; I had nothing to do with that whatever.

Q. You are not running a house of prostitution in Beaumont now?

A. No, sir.

Q. Why?

A. Because they had an injunction formed against me and closed me, and I went into another business.

Q. There was an injunction gotten out against you in Judge Hightower's court to make you quit running a house of prostitution?

Mr. Howth objects.

Objection sustained.

Q. Now you have gone into another business?

A. I have reformed and gone home to live with my mother.

Q. You have reformed?

A. Yes, sir.

Q. Gone home to live with your mother?

A. Yes, sir.

Q. Is it not a fact that the reformation has come about by reason of this prosecution?

A. I was going to.

Mr. Howth: There was no prosecution at the time she quit the business.

The Court: You may show that, if you desire.

Q. Is it not a fact that, instead of this being a voluntary reformation instead of a stricken conscience on your

part, is it not a fact that it was an involuntary reformation by force of duress of law and from fear of prosecutions that you thought might be instituted against you, and you went to San Antonio?

A. No, sir; I was engaged to be married, and was to be married on the first of the year, and would have been married to-day but for this trouble.

Q. Somebody living in Beaumont?

A. That is no fair question.

Mr. Howth: You don't have to tell who you were engaged to unless you want to.

The Witness: I don't want to tell; everybody knows in Beaumont.

The Court: I don't want to embarrass anybody unless it becomes necessary in material testimony.

RE-DIRECT EXAMINATION.

Questioned by Mr. Howth:

Q. Do you know when the houses were put out of business in New Orleans?

A. Yes, sir; I was there.

Q. When was that?

A. A few years back.

Q. Was it not two years ago?

A. Yes, sir.

Q. I will ask you to state whether it is not a fact that a great many sporting girls attended the races and made a living out of the races?

A. Yes, sir.

Q. And out of the strangers that came in there to attend the races?

A. Yes, sir.

Q. And that that put the races out of business?

A. Yes, sir.

Q. And left a great many of them there that made a specialty of the races?

A. Yes, sir.

RE-CROSS EXAMINATION.

Questioned by Mr. Ownby:

Q. How many girls did you say you had in your house while you were in New Orleans?

A. There were four there, and Florence Walker came in the morning I left, and that made five.

Q. Did that include Ouida Landry and Lucille?

A. Yes, sir; and three others came, which made eight.

Q. Theresa was nine?

A. Yes, sir.

Q. How did you manage with only six rooms?

A. Would sleep two in a bed, and we would take turn about taking company.

Q. You had a relief corps?

A. Yes, sir.

RE-DIRECT EXAMINATION.

Questioned by Mr. Howth:

Q. You were engaged to be married and intended to quit the business before you went to New Orleans?

A. Yes, sir.

Q. Was the date of your marriage set?

A. Yes, sir; for the first of the year.

Q. The man you are to marry you, notwithstanding the prosecution, but you have declined to marry him until you get out of this prosecution?

A. Yes, sir.

Q. I understood you to say that you were living with your mother and running a boarding house?

A. Yes, sir.

Q. And that you came to Beaumont and asked the authorities to arrest you here instead of in San Antonio, so your mother would not know about it?

A. Yes, sir. ,

Q. You are trying to keep this from her?

A. Yes, sir.

Q. The price you pay for drinks in the wine rooms in New Orleans, is that higher than you pay at the regular bar?

A. Yes, sir; they charge pretty high for drinks in the wine rooms.

ANNETTE BADEN, BEING RE-CALLED BY THE DEFENDANTS, TESTIFIED AS FOLLOWS:

Questioned by Mr. Howth:

Q. Do you know Mr. Frank Townsend, the Constable?

A. Yes, sir.

Q. Do you know Shep VanWormer?

A. No, sir.

Q. Is it not a fact you told Mr. Townsend down at the Court House that you didn't want Effie to hold your clothes; that you wanted to go back to New Orleans?

A. Yes, sir.

Q. I will ask you if it is not a fact that he told you that if you would meet him at the Court House the next morning he would arrange for the money for you to go back to New Orleans?

A. No, sir.

Q. And that you failed to show up to receive the money to go back to New Orleans with?

A. No, sir.

FRANK TOWNSEND, A WITNESS FOR THE DEFENDANTS, TESTIFIED:

Questioned by Mr. Howth:

Q. Do you know Annette Baden, or Hays?

A. Yes, sir.

Q. The tall blonde girl?

A. Yes, sir.

Q. Of the three sisters?

A. Yes, sir.

Q. I will ask you if it is not a fact that at the time they were complaining about Effie Hoke holding her clothes she did not say she wanted to go back to New Orleans?

A. Yes; she did.

Q. And didn't you state to her that you would get her the money to go back to New Orleans, and to meet you at the Court House the next morning?

A. Yes, sir.

Q. Did she show up at the Court house the next morning, or at any time?

A. Yes, sir.

Q. You were Constable at that time?

A. Yes, sir.

CROSS-EXAMINATION.

Questioned by Mr. Ownby:

Q. Do you know how many arrests there were of these girls?

A. Either two or three; I forget which.

Q. Is it not a fact that about every time these girls would appear on the street, or anywhere else, they would be arrested?

Mr. Howth: We object to that.

Q. Then you say they were arrested three times?

A. No, sir; the three girls were arrested; there was a complaint filed in our court one time.

Q. Don't you know they were arrested before or after that?

A. No, sir; I don't know.

SHEP VAN WORMER TESTIFIED FOR THE DEFENDANTS:

Questioned by Mr. Howth:

Q. Were you present when Mr. Townsend and Annette were talking at the Court House?

A. Yes, sir.

Q. I will ask you if it is not a fact that Mr. Townsend told her if she wanted to come back to New Orleans he would arrange for her to come?

A. Yes, sir.

Q. Well, when was that?

A. That if they would come around the next morning.

Q. Did you go around the next day?

A. No, sir; I was not there the next day.

CROSS-EXAMINATION.

Questioned by Mr. Ownby:

Q. Who was he talking to?

A. Annette Hays.

Q. What is your business?

A. Real estate and Deputy Constable.

Q. You don't know whether she did go back or not?

A. No, sir.

Q. Do you know whether it was because she was afraid she might be arrested?

A. No, sir.

Q. You don't know how many time she was arrested?

A. No, sir.

Q. You don't know, do you, that she had to sleep in the calaboose on the floor?

Objection sustained.

FLORENCE BADEN, BEING RE-CALLED BY THE DEFENDANTS, TESTIFIED:

Questioned by Mr. Howth:

Q. I will ask you if it is not a fact that you told Teddy Morgan, the man who arrested you for being on the street at hours not permitted by the city ordinance, that you did not know that they were so strict on the girls?

A. Yes, sir.

Q. I will ask you if you didn't also tell him that in New Orleans they were not so strict with the sporting girls, and would permit the sporting girls in New Orleans to walk the streets at any time?

A. I said they could see them at any time.

Q. Didn't you say that in New Orleans the sporting girls walked the street at any time?

A. No, sir; I did not.

Q. Didn't you also tell him that you came over to make some money during Carnival week?

A. No, sir.

Q. Didn't you tell Mr. Morgan that you came over here to make some money during Carnival week, and that you were not making any money and wanted to go to Houston to see if you could make some money over there?

A. No, sir; I did not.

W. E. MORGAN, A WITNESS FOR DEFENDANTS,
TESTIFIED AS FOLLOWS:

Questioned by Mr. Howth:

Q. You were a police officer during the Carnival and just after the Carnival in Beaumont?

A. Yes, sir.

Q. You know Florence Hays; you saw her this morning?

A. Yes, sir; and I had seen her before.

Q. I will ask you if you had occasion to arrest her for walking the streets in Beaumont during hours not permitted by the city ordinance?

A. Yes, sir; I arrested her and brought her to the station; she never was on the docket; I took her before the Chief, and he excused her and released her.

Q. Now, I will ask you if she did not tell you in that conversation that she had come over from New Orleans to try to make some money during Carnival week?

A. Yes, sir; some of the girls did; one of the girls did; there were two of them together, and I don't know exactly which one.

Mr. Dailey: I ask that that be stricken out.

The Court: I will exclude the answer.

Q. You saw the two girls that you are talking about this morning?

A. Yes, sir.

A. One of them is a girl called Florence?

A. Yes, sir.

Q. The other one, do you know her name?

A. Reta, I think.

Q. You talked to both of them, and in the hearing and presence of both of them, did you?

A. Yes, sir.

Q. Do you know which one of them told you that they came over here to make money during Carnival week?

A. No, sir; I don't know which one it was.

Q. Was it the same girl that you and Mr. Luzenberg and I talked to in the District Attorney's office this morning?

A. I don't know which one; we had two in there.

Q. One of the girls said they had more privileges in New Orleans and were permitted to walk the streets there and they did not know it was against the law here?

A. Yes, sir; one of them said that.

Q. Was that the same girl who told you they came over here to make some money during Carnival week?

A. One of them said that.

Mr. Ownby: We object to that.

Objection sustained.

Defendants except.

Q. You say you don't know which one of the girls was doing the talking?

A. No, sir; I don't know which one it was.

Q. The two girls were together and one of them was doing the talking?

A. Yes, sir.

Q. I will ask you if the same girl who told you they had the privilege of walking the streets of New Orleans is the same one that said she came over here to make some money during Carnival week?

A. I don't know which one it was; I could not say whether it was the same one or not.

OUIDA LANDRY, BEING RE-CALLED BY THE
DEFENDANTS, TESTIFIED:

Questioned by Mr. Howth:

Q. I will ask you if you did not tell Teddy Morgan, the man who arrested you for walking the streets, in the presence of Annette, that you girls came over here to make some money during Carnival week?

A. I told him I did.

Q. Didn't you tell him that you came over here to make some money during Carnival week?

A. No, sir; I told him I did.

Q. You said you did?

A. Yes sir.

Mr. Howth: Defendants offer the testimony of Dr. Reagan for the purpose of showing that Florence Hays had a disease commonly called gonorrhœa, and was treated by Dr. Reagan upon their arrival at Beaumont, for the purpose of showing their character and that they were prostitutes, and for the purpose of contradiction. This testimony was excluded by the Court, to which ruling of the Court the defendants excepted.

E. D. HOLLAND, WITNESS FOR THE UNITED
STATES, TESTIFIED AS FOLLOWS:

Q. What is your business?

A. I am on the police force.

Q. What was your business or position in November of last year?

A. I was on the police force.

Q. From the 1st of November on?

A. Yes, sir.

Q. What portion of the city was covered by you along in November?

A. Along about the 1st, I believe, to along about the 14th or 15th, I was in the Reservation.

Q. Did you know Effie Hoke?

A. Yes, sir.

Q. Do you know whether or not she had been running a house of prostitution in the Reservation?

A. Yes, sir. ,

Q. I will ask you if you were in her house at any time between the 1st and 2nd of November, whether there were any girls there, or whether the house was closed?

A. I know the house was dark and nobody in there or around there; there were no lights, but I could not say whether there was anyone inside the house.

Q. What time in November was that?

A. Along from the 1st to the middle; I don't remember the exact dates.

Q. The house was dark, but you don't know whether there was anyone inside the house?

A. No, sir.

Q. Were your duties to watch the houses and people around in that district?

A. Yes, sir.

Q. About what time was the house opened again?

A. I didn't take any dates, but along about the 10th or 12th or 15th somewhere; I think it was closed a week, or something like that; I never took no dates.

Q. Do you know when the Carnival was here?

A. Yes, sir.

Q. Was it open then or not?

A. Yes, sir; I think so.

Q. What time was the Carnival, do you remember?

A. I believe it opened on the 21st.

CROSS-EXAMINATION.

Questioned by Mr. Howth:

Q. You say it seems to you like it was closed about a week?

A. Well, it was closed, Mr. Howth.

Q. You did not take any special notice of it, and did not charge your memory with it at that time?

A. I didn't take the dates, but it was closed and dark at night.

Q. You didn't charge your memory with the affair at that time?

A. No, sir; not the particular dates.

Q. You simply noticed that for a while it was closed up?

A. Yes, sir.

Q. Without taking note as to the length of time?

A. Yes, sir.

Q. It seemed like to you it was about a week?

A. Yes, sir; I believe it was seven or eight days.

Q. You did not charge your memory at the time with the number of days?

A. No, sir.

Q. You are just guessing at it from your memory at this time?

A. I have thought of it since, but I would not swear as to the number of days.

Q. Your recollection is that it was the early days of November?

A. Yes, sir.

Q. Previous to the 10th?

A. Well, it was along about the first part of the month, somewhere from the 2nd on up; I was not down there until the 2nd, I believe.

Q. You didn't watch that house all the time, did you?

A. I didn't stand in front of the door and watch; I was in and around there.

Q. Your beat was the entire Reservation?

A. Yes, sir.

Q. How big is that place?

A. About two blocks.

Q. Does it take up eight or nine blocks running east and west down Crockett Street and between Crockett and the railroad?

A. That is not considered the Reservation that far this way.

Q. Did you patrol that district?

A. Yes, sir.

Q. How many blocks did you take in?

A. Sometimes as much as four, or hardly that.

Q. You would not walk all the time; sometimes you would stand on the corner and talk to a man that came along?

A. Well, not very long; if I did, I would not tell it.

Q. You would not tell it?

A. No, sir.

W. E. MARTIN, BEING RE-CALLED BY THE
UNITED STATES, TESTIFIED:

Q. What was your business in November of last year?

A. Working on the police force.

Q. Are you acquainted with Effie Hoke, and were you at that time?

A. No, sir.

Q. Do you know the place where she was running this house in Beaumont in November of last year?

A. Yes, sir.

Q. I will ask you whether or not her house in Beaumont was closed at any time during last year?

A. Yes, sir; it was some time in November; I don't think there was anyone there.

Q. How many days do you think it was closed?

A. I think a week, or something like that.

Q. What part of the month?

A. The early part of the month, or maybe the latter part, I could not be sure; it seems to me like it was about the middle of the month some time; I could not say for sure.

Q. Did you see Effie Hoke around there at any time you speak of the house being closed?

A. No, sir.

Q. Did you see anyone else around there during the time it was closed?

A. No, sir; there was nobody about there, I don't think. The maid was the first one I saw there, and then the bookkeeper came in.

Q. Was the maid a white woman or a colored woman?

A. Colored; that was after the girls came there.

Q. Was the house closed up before or after the Carnival began?

A. Before the Carnival.

CROSS-EXAMINATION.

Questioned by Mr. Howth:

Q. You don't mean to tell the jury that when Effie went to New Orleans she didn't leave any girls in the house?

A. The house was closed during that time.

Q. The house appeared to be closed some time during November?

A. Yes, sir; she might have left girls there when she went to New Orleans, I could not say.

Q. Is it not possible that the girls she left there might have gone off looking for young men?

A. I suppose.

Q. Don't you know, from your experience in the Reservation, that when the landlady is out the girls steal out

and take joy rides with their friends and visit different towns?

A. Yes, sir.

Q. Lots of the girls in the Reservation have lovers?

A. Yes, sir.

Q. Don't you know that when the landladies go away and leave girls in charge of her house they frequently get out and go fishing and hunting with their lovers?

A. They could have done it.

Q. Don't you know they go on camping trips in the woods?

A. Yes, sir.

Q. And go to Houston and Galveston and Port Arthur, and stop in the hotels?

A. Yes, sir.

Q. You are not prepared to tell the jury that during Effie's absence the girls she left did not do that?

A. No, sir.

Q. You are not prepared to tell the jury that such isn't a fact?

A. No, sir; I don't know it.

RE-DIRECT EXAMINATION.

Q. You don't know whether she left any girls there at all when she went away?

A. No, sir; I could not say whether she did or not.

RE-CROSS EXAMINATION.

Q. Do you know when the Hays girls came to Beaumont?

A. Yes, sir.

Q. Don't you know that when Effie came back those girls were in her house?

Q. Don't you know that she was in Effie's house several days, that the girls were before she came back?

A. About two days.

Q. Don't you know that Ouida Landry was there several days before she returned?

A. No, sir.

Q. Don't you know that Lucille Camp was there several days?

A. She might have been; I didn't see her.

Q. Do you know Florence of Port Arthur?

A. Yes, sir.

Q. Don't you know that Florence Wilson was living in Beaumont in November, and at Effie's house?

A. She was over here, but I don't know whether she was living here or not.

Q. Didn't you see her in Effie's house?

A. That was when Effie was there; I don't know whether she was there before or afterwards; I know she was there.

Q. Do you know a girl named Ada?

A. I don't believe I do; I might if I should see her.

A. A tall, black-haired girl named Ada?

A. There was a girl that married a fellow and went to Orange, but that was not her name.

Q. Sometimes the girls would slip off at night and go riding?

A. They have been arrested for that.

B. B. JOHNSON TESTIFIED FOR THE GOVERNMENT:

Questioned by Mr. Ownby:

Q. What was your business or occupation in November of last year?

A. Policeman.

Q. Were you acquainted with Effie Hoke at that time?

A. Yes, sir.

Q. Were you acquainted with the house where she lived?

A. Yes, sir.

Q. Down in the Reservation?

A. Yes, sir.

Q. During the month of November, 1910, do you know whether at any time that house was closed?

A. Well, I could not say positively whether it was or not; I worked from the 1st to the 3d, and was then taken away and put in the office for twelve or fourteen days; I laid off on the 2nd and worked the 1st and 3rd in the Reservation.

TEDDY MORGAN, RE-CALLED BY THE GOVERNMENT, TESTIFIED:

Q. Do you know whether or not, during the month of November, Effie Hoke's house was closed up and not doing business?

A. The lights were out and I never saw anything stirring about the house for a few days.

Q. Just before the Carnival for a few days the lights were out?

A. Yes, sir.

Q. Were you on duty at night or in the day time?

A. I was on at night; I didn't work in the Reservation the first part of the night, but worked on Crockett Street and went to the Reservation at midnight and worked the last part of the night.

Q. Do you know where Effie was at that time?

A. No, sir; she was missing for a few days, but I don't know where she was.

Q. Was this the time you saw the house closed up?

Mr. Howth objects as leading.

Objection overruled.

Defendants except.

Q. Was during the time the house was closed the same time that Effie was missing from down there?

A. Yes, sir.

CROSS-EXAMINATION.

Questioned by Mr. Howth:

Q. When these girls, Ouida and Reta, told you they could walk the streets in New Orleans, and did not know there was an ordinance against it here, did they tell you why they left Effie's house?

A. They told me it was because they could not make any money, I think.

Q. Did they tell you where they wanted to go?

A. It seems to me they said they wanted to go to Houston.

OIDA LANDRY, BEING RE-CALLED BY THE
UNITED STATES, TESTIFIED:

Q. What day did you leave New Orleans for Beaumont?

A. The 11th of November.

Q. Who came with you, if anyone?

A. Lucille Camp.

Q. A daughter of Pauline

A. Yes, sir.

Q. Before you left New Orleans, did you and Lucille have a conversation with Effie Hoke?

Mr. Howth objects, because there is no predicate laid for it and it is not in surrebuttal.

The Court: The question was not finished, and I am not able to tell.

Q. Did not you and Lucille have a conversation with Effie Hoke in which Effie gave Lucille the key to her house and sent you two girls over here to open her house?

Objection overruled.

Defendants except.

Q. Go ahead and answer.

A. Yes, sir; gave Lucille the key, and when we got here Lucille herself opened the house; she told Lucille

to watch out for things in her place while she was not there.

Q. She gave the keys to Lucille, and you all came over here, and she told Lucille to open up the house and take care of things until she got there?

Mr. Howth: There has been no predicate laid for that.

Objection overruled.

Defendants except.

Q. When you got here did you find anybody in the house?

A. No sir, there was nobody in it.

Q. How long after you got here and opened the house before Miss Effie came?

A. Two or three days, I could not say exactly just when.

Q. Who were the first girls that came to the house after you got here?

A. Annette, Florence, Gertrude and Theresa.

Q. Did they come before Miss Effie Hoke got there?

A. Yes sir.

J. W. OWNBY TESTIFIED FOR THE GOVERNMENT AS FOLLOWS:

Questioned by Mr. Dailey:

Q. Did any of the witnesses in this case make any complaint to you as United States Attorney about this case?

A. They did not.

Q. How was this suit instituted and at whose direction?

A. The first information I had was through a letter from the Attorney General of the United States at Washington.

Mr. Luzenberg: We object to any statement made in that letter.

The Court: I don't think the contents of the letter would be admissible. I think they ought to be permitted to show that the girls were not instrumental in having the suit brought.

The Witness: I will simply state that he called my attention to this case, and as soon as I could arrange my business to leave the office I left Paris and came to Beaumont and hunted these girls up. I did not know and never heard of them before. I had an officer to go with me and point them out to me and I talked with them about this case. I also went to Galveston where one of them was sick to see what she knew about the case, and afterwards had them subpoenaed before the grand-jury at Paris. I never had had any information from the girls about the case one way or the other.

CROSS EXAMINATION.

Questioned by Mr. Howth:

Q. Is it not a fact that you received a communication from Mr. Scurlock, the County Attorney?

A. Not at that time; I did afterwards after I had a letter from the Attorney General. I learned afterwards that there was a statement taken and sent for that statement.

Q. Don't you think the statement was sent to you by Mr. Scurlock without you sending for it?

A. No sir, I think we sent for it; my recollection is not clear; I have a copy of the statement.

Q. Is it not a fact that the attention of the Attorney General of the United States was called to it and your attention afterwards, and that all grew out of a complaint made to the State authorities that Effie Hoke would not let them have their clothes, and that it first

got to the attention of the Attorney General at Washington in that way?

A. That is true in a qualified way. I think the publicity did not grow out of refusing to let the girls have their clothes, but the publicity was by reason of the girls being arrested, and the injunction gotten out against her. The Attorney General enclosed a newspaper clipping of that transaction from Beaumont, and the publicity of the matter arose by reason of the fact that the girls had gone to Mr. Scurlock and made this complaint.

Q. You know that is what set the matter in motion and finally brought it to your attention?

A. I know the trouble between the two did it.

Q. Don't you know that resulted from the publicity given the matter, arose because of the girls making complaint against Effie Hoke for refusing to give them their clothes, the complaint to Mr. Scurlock?

A. I cannot say it is.

Q. Do you say it is not true?

A. No sir, I do not.

Q. I will ask you if in your opinion that is not the cause of this transaction?

A. My opinion is this: That the matter never would have been started and nothing known of it as far as Washington is concerned had not the newspapers published about the girls being arrested and Effie being enjoined from running this house of prostitution, and some one called the attention of the Attorney General to it and he ordered me to investigate it.

Q. Isn't it also a fact that the newspapers might not have known anything about it and no information sent to the Attorney General and by the Attorney General to you, had it not been for the fact that they made the complaint to Mr. Scurlock?

A. That might have been true.

Q. Is it not also true that that complaint to Marvin

Scurlock grew out of the fact that Effie Hoke refused to let them have their clothes?

A. Yes sir, I think so. I believe that was the beginning of the whole transaction, the row between Effie and the girls.

ANNETTE BADEN RE-CALLED BY THE GOVERNMENT.

Q. Miss Annette, the night you left Beaumont, or left New Orleans for Beaumont, I should have said, did you try to borrow \$25.00 from Mr. Economides?

A. No sir.

Q. You say you did not?

A. No sir.

[END OF TESTIMONY.]

Whereupon the defendants renewed their motion to instruct a verdict of acquittal, both jointly and severally, as set forth herein at the conclusion of the Government's opening case, being at the conclusion of the testimony of the witness Theresa Flood, said motion being made in extenso, but are not here repeated. Without repeating the same, defendants here refer to and make the same a part of this record at this place; and the Court after hearing argument thereon, and duly considering the same again, overruled and refused said motions, and defendants, and each of them again excepted to such ruling and pray that the said exceptions be noted and approved as a bill of exceptions and ordered incorporated in the record herein.

Whereupon defendants presented their requested special charges, which, omitting the captions and formal parts, are as follows to-wit:

1.

"Gentlemen of the Jury:

"You are instructed to acquit the defendants on the

following grounds, to-wit: Because the Act under which they are being prosecuted is unconstitutional and void.

FIRST.

“Because it interferes with the privileges and immunities of the citizens of the several States in this: That the right to travel interstate is a lawful right, which the act does not forbid, and any other citizen has the right to aid and assist the one making the journey, regardless of the moral or immoral intention of either.

SECOND.

“Because the Act does not make prostitution a crime, nor the interstate travel of a prostitute a crime, nor her intention to become a prostitute at the end of her journey a crime, and therefore the motive or intent of another, the defendants in this case, in aiding her to make such interstate journey, does not come within the constitutional grant to Congress to regulate commerce between the States, etc.”

2.

“Gentlemen of the Jury:

“As the Act under which this indictment is drawn does not prohibit or forbid any woman or girl to travel from one State into another for the purpose of there engaging in prostitution or debauchery or other immoral purpose, her act in so traveling is lawful regardless of her intention, and under the Constitution of the United States, Congress can not make a crime of one aiding or assisting, or persuading or prevailing on her to take such journey, for the purpose of having her engage in prostitution or debauchery or other immoral purpose.

“You will, therefore, acquit the defendants.”

3.

“Gentlemen of the Jury:

“If you believe from the evidence that the defendant Basile Economides did make an appointment with the girls named in the indictment or either of them to meet the defendant Effie Hoke, and that they did meet her through his appointment, and if you believe that after so meeting her he did advise them to come with her to Beaumont, Texas, but used no other means of persuad-

ing them to come and that he did no act toward furnishing them transportation from New Orleans to Beaumont, Texas, that then you should acquit the defendant, Economides."

4.

"Gentlemen of the Jury:

"There is no proof before you that the defendant, Basile Economides, rendered any actual aid or assistance in the transportation of Annette Baden, alias Annette Hays, of Florence Baden, alias Florence Hays, of Gertrude Baden, alias Gertrude Hays, in interstate transportation to Beaumont: and under the Act under which the indictment is returned in this case it is necessary and devolves upon the Government to prove that he actually rendered such aid and assistance in addition to persuading the said women or girls to go from New Orleans to Beaumont.

"You will, therefore, acquit the said defendant, Basile Economides, regardless of how you may find as to his co-defendant."

5.

"Gentlemen of the Jury:

"You will not consider against the defendant Basile Economides any evidence in the case concerning what took place after the three girls named in the indictment arrived in Beaumont, Texas."

6.

"Gentlemen of the Jury:

"The count in the indictment in which it is charged that the defendant induced Gertrude Hays, or furnished transportation for her to come to Beaumont, is hereby withdrawn from your consideration, it appearing from Gertrude Hays' own evidence that she came to Beaumont, not by reason of any persuasion on the part of either of these defendants."

7.

"Gentlemen of the Jury:

"You are instructed that you cannot convict the defendant Economides for keeping a wine room in New Orleans, nor for any act he did, nor for any character

of business he may have engaged in, and you are further instructed that you cannot consider such evidence except for the purpose of showing the situation of the parties, and shedding light on the specific acts charged in the indictment herein, if in your opinion it does shed light upon the same, in other words, if you do not believe from the evidence beyond a reasonable doubt that defendant Economides did the acts charged in the indictments, then you will acquit the defendant, notwithstanding you may disapprove of the business in which he is engaged in the City of New Orleans, and I further instruct you that you will not allow the fact that defendant is the keeper of a wine room, frequented by public women or prostitutes to in any way influence you in passing upon the defendant's guilt or innocence, except as herein charged.

"And I further charge you that you cannot convict the defendant Effie Hoke for keeping a bawdy house in Beaumont, nor can you convict her for attempting to have the girls arrested for taking their clothes away without first paying the debt due to defendant, nor can you convict defendant Effie Hoke for any act or thing she did or may have done in Beaumont, Texas, and you are further instructed that you cannot consider such evidence except for the purpose of showing the situation of the parties, and shedding light on the specific acts charged in the indictment herein, if in your opinion it does shed light upon the same, in other words, if you do not believe from the evidence beyond a reasonable doubt that defendant Effie Hoke did the acts charged in the indictment, then you will acquit the defendant notwithstanding that you may disapprove of the business in which she is or was engaged in Beaumont; and I further instruct you that you will not allow the fact that defendant Effie Hoke was the keeper of a bawdy house, in any way, to influence you in passing upon the defendant's guilt or innocence, except as herein charged."

8.

"Gentlemen of the Jury:

"Unless you believe from the evidence beyond a reasonable doubt that the defendants knowingly and feloniously persuaded, induced, coerced, or caused to be persuaded, enticed, coerced or assisted in persuading, in-

ducing, enticing or coercing the said girls or either of them; and unless you further believe from the evidence beyond a reasonable doubt that such persuasion, inducing, enticing or coercing was the cause of their going from New Orleans to Beaumont for immoral purposes, and unless you further believe from the evidence beyond a reasonable doubt that defendants procured a ticket or tickets or caused the same to be procured, and that the procuring of such ticket and the furnishing of such money therefor, was for the purpose of inducing them to go to Beaumont for immoral purposes, then you must acquit the defendants."

10.

"Gentlemen of the Jury:

"If you believe from the evidence that the defendant Effie Hoke persuaded the said girls or either of them to come to Beaumont, and purchased a railroad ticket for them or either of them, or if you believe that she did either of said things, then you will acquit her unless you also further believe that they, the girls, came by reason of such persuasion and in this connection you are also instructed that if they came by reason of their own desire and will to do so, then you will acquit them, even if you should also believe that Effie Hoke persuaded them and furnished a ticket or either persuaded or furnished a ticket.

"And if you believe from the evidence that said girls came by reason of their own will, then you will acquit them even if you should also believe that the defendant Economides persuaded them to come, if you also believe that their coming to Texas was by reason of their own desires to come and not by reason of such persuasion."

11.

"Now come the defendants in the above entitled and numbered cause, and move the Court to instruct the jury herein to find a verdict of not guilty, for the following reasons, to-wit:

1st: Because the evidence offered fails to show that the three girls which it is alleged in the indictment were caused to go and to be carried as passengers upon the line and route of a common carrier engaged in interstate commerce, were carried and transported over the line of

the Texas and New Orleans Railroad Company, as is alleged in the said indictment.

2nd: Because the proof offered fails to show that the line of railroad of the Texas and New Orleans Railroad, and the line of railroad over which it is alleged in the indictment the said three girls were caused to be carried and transported as passengers from the City of New Orleans in the State of Louisiana, to the City of Beaumont, in the State of Texas, extends from the said City of New Orleans in the State of Louisiana to the City of Beaumont in the State of Texas."

12.

"Gentlemen of the Jury:

"All the testimony introduced by the Government in this case for the purpose of showing, or tending to show that subsequent to the arrival of the three girls in question in the City of Beaumont that Effie Hoke did, for the purpose of detaining them in her house, purchase clothing and other articles not needed or desired by them, and thereby kept them in her debt, is hereby withdrawn from you and you will not consider said testimony or any part thereof for any purpose whatever."

13.

"Gentlemen of the Jury:

"If you believe the defendant, Effie Hoke, loaned the money to the three girls in question, or either of them, with which they procured transportation to Texas, yet if you shall further believe that she loaned said money to them at their request and solicitation, or at the request or solicitation of either of said girls, or in so doing she wished simply to comply with their desires, and did not loan or give said money to them for the purpose of persuading or inducing them to come to Beaumont against their wills, then you will acquit the defendant Effie Hoke."

14.

"Gentlemen of the Jury:

"I charge you in this case the witness Theresa Flood is an accomplice to the defendant Effie Hoke, and you can not convict upon her testimony unless you believe it to be true, and then you cannot convict unless you believe

that it is corroborated, and the corroboration is not sufficient if it merely shows the commission of the offense, but it must go further and connect or tend to connect defendant Effie Hoke with its commission."

But in each and every instance, the Court refused the same, to which ruling and refusal the defendants excepted, as more specifically set forth in separate bills, and pray that their said exceptions be here noted and approved and ordered incorporated in the record herein.

Whereupon the Court gave his general charge to the jury and upon conclusion thereof and before the retirement of the jury the defendants excepted thereto. All of which will more fully appear from said charge and exceptions which are as follows, to-wit:

IN THE DISTRICT COURT OF THE UNITED
STATES FOR THE EASTERN DISTRICT
OF TEXAS, AT BEAUMONT.

<i>United States</i>)	
<i>vs.</i>)	
<i>Effie Hoke and</i>)	D. L. No.
<i>Basile Economides.</i>)	

CHARGE.

Gentlemen of the Jury:

This is a case by the United States against Effie Hoke and Basile Economides. The defendants stand charged by a bill of indictment filed in this Court on March 10, 1911, and the bill of indictment contains three separate and distinct counts.

In the first count it is charged that the defendant, Effie Hoke, knowingly and unlawfully persuaded, induced and enticed one Annette Baden, alias Annette Hays, to come from the City of New Orleans, in the State of Louisiana, to the City of Beaumont, in the State of Texas, for the purpose of prostitution, and after being

so induced and persuaded, she made that interstate journey from the City of New Orleans, Louisiana, to the City of Beaumont, Texas, for the purpose of prostitution, and by reason of the inducements and persuasion, after arriving in Beaumont, Texas, she engaged in the practice of prostitution, and the count further charges that the defendant, Basile Economides, knowingly aided and assisted the defendant, Effie Hoke, in so inducing, persuading and enticing the girl Annette Baden, alias Annette Hays, to come from New Orleans to Beaumont for the purpose of prostitution.

The second count in the bill of indictment is substantially like the first count except it alleges that Effie Hoke persuaded, induced and enticed Florence Baden, alias Florence Hays, to come from New Orleans, Louisiana, to Beaumont, Texas, for the purpose of prostitution, and that by reason of such persuasion and inducement, she came to Beaumont and engaged in the practice of prostitution, and that the defendant, Basile Economides, knowingly aided and assisted the said Effie Hoke in so persuading and inducing the girl, Florence Baden, alias Florence Hays, to make the interstate journey from New Orleans to Beaumont for the purpose of prostitution.

The third count alleges that the defendant, Effie Hoke, knowingly persuaded, induced and enticed the girl, Gertrude Baden, alias Gertrude Hays, to come from New Orleans, Louisiana, to Beaumont, Texas, for the purpose of prostitution, and by reason of such persuasion, inducement and enticement, she made the interstate journey from New Orleans, Louisiana, to Beaumont, Texas, for the purpose of prostitution, and after arriving at Beaumont, Texas, she engaged in the practice of prostitution, and that the defendant, Basile Economides, knowingly aided and assisted the defendant, Effie Hoke, in so persuading, inducing and enticing the girl Gertrude Baden, alias Gertrude Hays, to travel from New Or-

leans, Louisiana, to Beaumont, Texas, for the purpose of prostitution.

The Court does not undertake, Gentlemen of the Jury, to recite to you in full the allegations contained in these several counts in the bill of indictment, but my purpose is merely to give you a brief, compact description of the charges, so you may be able to understand the principles of law which I shall hereafter give you in passing upon the guilt or innocence of the defendants.

I desire, in this connection, to inform the jury that it will be your duty under the instructions given you by the Court, and the evidence submitted to you by the witnesses to determine whether the defendants are guilty upon one, two or all three of the counts contained in the bill of indictment. It is the province of the jury to find the defendants guilty on one count and not guilty on the others, or to find the defendants guilty upon all of the counts or not guilty on all the counts. In other words, the jury have the power, under their oaths applying the evidence to the law, to find the defendants guilty on count one, count two and count three, or you can find them guilty on either one of these counts, and not guilty as to the others, or not guilty as to all the counts, as you see fit, applying the facts in evidence to the law as given you in charge. The Court also tells the jury that it is within your power to find one of the defendants guilty and the other not guilty, if you should so find under the evidence before you and the law given you in charge. It is not necessary to the validity of your verdict, if you find one defendant guilty that you should also find the other defendant guilty, but you should find both defendants guilty only if you believe them guilty under the evidence and the law as given you in charge by the Court. I think I have made it clear that you have the power under the law to find both defendants or either one of them guilty as you see fit; or find them guilty upon one, two or three counts, as you see fit. You have to

specify in your verdict which of the counts you find the defendants guilty on, bearing in mind that the first count charges a violation of the law as to the witness Annette Baden, alias Annette Hays, and the second count charges a violation of the law as to the witness Florence Baden, alias Florence Hays, and the third count charges a violation of the law as to the witness Gertrude Baden, alias Gertrude Hays.

Some observations have been made in argument by counsel to the jury in reference to this law. That is a matter altogether for the Court. The jury have nothing in the world to do with the law, except to be governed by the instructions as to the law delivered to you by the Court. But those observations having been made to the jury, it may not be out of place for the Court to state to you in this connection that the law under which this indictment was returned does not attempt to punish the keeping of a bawdy house within any of the States of the American Union. It does not attempt to punish or regulate in any manner whatever the act of prostitution committed by any woman within any of the States of the Union. The whole scope of the law and its limitations are that it does attempt to prohibit and punish the persuading, the inducement, the coercion or the enticement of any woman from one State to another State for the purpose of prostitution. It is one of the methods by which the Congress of the United States has endeavored to regulate and keep pure the channels of interstate commerce, and, while it may not be necessary, yet in view of the argument during the trial of this case, the Court states to you here now that the law under which this indictment has been drawn was a constitutional and legal exercise of power by the Congress of the United States, and the law is valid and binding upon all citizens of the United States.

The law under which this indictment was drawn consists of several sections, but it will not be necessary for

the Court to call your attention to more of those sections than those upon which this indictment was prepared. The indictment was framed under Sections 3 and 4 of this law which was passed by Congress, and the law became operative on the 25th of June, 1910.

The Third Section of the law provides :

“That any person who shall knowingly persuade, induce, entice, or coerce, or cause to be persuaded, induced, enticed, or coerced, or aid or assist in persuading, inducing, enticing or coercing any woman or girl to go from one place to another in interstate or foreign commerce, or in any territory or the District of Columbia, for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose on the part of such person that such woman or girl shall engage in the practice of prostitution or debauchery, or any other immoral practice, whether with or without her consent, and who shall thereby knowingly cause or aid or assist in causing such woman or girl to go and be carried or transported as a passenger upon the line or route of any common carrier or carriers in interstate or foreign commerce, or any Territory or the District of Columbia, shall be guilty of a felony.”

That is the Third Section under which the first two counts of the indictment were framed.

The Fourth Section, under which the third count of the indictment was framed, is as follows :

“That any person who shall knowingly persuade induce, entice, or coerce any woman or girl under the age of eighteen years from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, with the purpose and intent to induce or coerce her, or that she shall be induced or coerced to engage in prostitution or debauchery, or any other immoral practice, and shall in furtherance of such purpose knowingly induce or cause her to go and be carried or transported as a passenger in interstate commerce upon the line or route of any common carrier or carriers, shall be deemed guilty of a felony.”

The jury will observe from the reading of the two sections I have given you that one of the salient features of distinction between Section Three and Section Four is that in the last section an element of the case which the Government must prove is that the girl must be under the age of eighteen years. Under Section Three the age of the girl is immaterial, and this section applies to counts one and two of the bill of indictment. Under Section Four under which the third count of the indictment was framed, the Government must prove that the girl who was so induced to make the interstate journey for the purpose of prostitution was at that time under the age of eighteen years, so in this bill of indictment count three, which charges that the girl Gertrude Baden, alias Gertrude Hays, was induced, enticed and persuaded by the defendants to make the journey described in the bill of indictment was at that time under the age of eighteen years, and that fact must be proven by the Government as an element of the case necessary to a verdict of conviction.

In explanation of the meaning of the term "interstate commerce" the first section of the act from which I have read sections three and four defines briefly, simply and clearly what Congress means by "interstate commerce."

It says:

"That the term 'interstate commerce' as used in this Act shall include transportation from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia."

The Act further defines foreign commerce, but that part of the Act is not necessary to be given you in charge. So that interstate commerce means the transportation of a person from one State to another State.

Now, in order to assist the jury in understanding the matter, and in applying the facts of the case to the law given you in charge, the Court desires to briefly sum-

marize the necessary elements of the case as applied to each count in the bill of indictment and each section of the law as I have read it to the jury.

Under section three, and I observe again that that section makes the age of the woman immaterial, in order to constitute the offense, the following elements must concur: That the defendants knowingly persuaded, induced or enticed, or aided or assisted in persuading, inducing, or enticing a woman or girl to come from one place to another place in interstate commerce for the purpose of prostitution, or with the intent and purpose on the part of the defendants that such woman or girl shall engage in the practice of prostitution. Now, so far as this element of the offense is concerned, it is immaterial whether the girl after being so persuaded engaged in the practice of prostitution with or without her consent. Another necessary element of the offense under section three is that the defendants by such persuasion, inducement or enticement knowingly caused, or aided or assisted in causing such woman or girl to come and be carried as a passenger upon the line of any common carrier engaged in interstate commerce. Those are the necessary elements which the Government must prove beyond a reasonable doubt before you would be authorized to convict under the first two counts mentioned in the bill of indictment, which two counts were drawn under Section Three of the Act which I read to you a moment ago.

The necessary elements which the Government must show in order to make out an offense under Section Four of the Act, and which is intended to be embraced in the third count of the bill of indictment are, first that the defendants knowingly persuaded, induced or enticed a woman or girl under the age of eighteen years from one State to another State with the purpose and intent, or that she shall be induced or coerced to engage in the practice of prostitution. Second, that the defendants in furtherance of such purpose knowingly induced or caused

such woman or girl under the age of eighteen years to go and be carried in interstate commerce as a passenger upon the line of road of any common carrier.

Now, gentlemen, the term "common carrier engaged in interstate commerce" means simply this: That it is a carrier which transports persons or property for hire between one place in one State and another place in another State, and if you believe the carrier which brought these girls from New Orleans, Louisiana, to Beaumont, Texas, was a carrier which transported persons or property for hire, then the Court informs you, as a matter of law, that it would be a common carrier engaged in interstate commerce.

During the progress of this trial the Government has been permitted to show certain acts and declarations made by the defendant, Effie Hoke, some of them outside the presence of the defendant, Economides, and, therefore, it becomes necessary for the Court to inform you as to the legal effect of those acts and declarations of the defendant, Effie Hoke, insofar as the defendant, Basile Economides is concerned; and the Court, therefore, tells you, in this connection, that the acts and declarations of the defendant, Effie Hoke, outside of the presence and hearing of the defendant, Basile Economides, must be considered by the jury only against the defendant, Effie Hoke, and they will not be evidence against the defendant, Basile Economides, unless the jury finds beyond a reasonable doubt from the evidence that there was an agreement or common purpose between the two defendants to commit the offense charged in the bill of indictment. But if you believe from the evidence beyond a reasonable doubt that there was an agreement or common understanding between the two defendants to commit the offense charged in the bill of indictment, then I inform you, as a matter of law, that the act of one becomes the act of both when done in pursuance of the common design. In such case it is the act of the person

who did it by perpetration and becomes the act of the other by adoption, provided the jury believes that there was a common purpose and design to commit the offense.

In this connection, I further charge you that any act or declaration of the defendant, Effie Hoke, made after the girls Annette, Florence and Gertrude left the City of New Orleans would not be evidence against the defendant, Basile Economides, but the jury may consider it as evidence against the defendant, Effie Hoke. In other words, if you believe there was a design and conspiracy between the two defendants to commit the offense charged, then the act of one becomes the act of the other when performed in pursuance of the common design, but it must have been done during the conspiracy. After the conspiracy, if you believe there was such, has terminated, then the act is only evidence against the one who does it, and is not evidence against the other.

The Court further tells you that if you find that the defendant, Basile Economides, did no more than introduce the girls, Annette, Florence and Gertrude, to the defendant, Effie Hoke, he would not be guilty under either of the counts in the bill of indictment. But, on the other hand, if you find from the evidence beyond a reasonable doubt that the defendant, Basile Economides, knew the unlawful purpose of the defendant, Effie Hoke, to induce, entice or persuade these girls or either of them to make the interstate journey for the purpose of prostitution; and if you believe beyond a reasonable doubt that he introduced the girls to Effie Hoke in order to afford her an opportunity to persuade, induce or entice them to make the interstate journey, for the purpose of prostitution, and knowing that the defendant, Effie Hoke, intended to so persuade, induce or entice them, then he would be guilty as a principal offender in the crime charged.

In this connection, the Court further tells you that if you believe from the evidence that the girls came to Beaumont because of their own will and desire to do so, and not on account of being persuaded, induced or enticed to come, then, in such case, neither of the defendants would be guilty under any of the counts in the bill of indictment. But the Court tells you, in this connection, that it was not necessary that they should have been forced or coerced to come in order to render the defendants guilty under this bill of indictment. If their consent to come was secured by the defendants either persuading, inducing or enticing them to come, that would be sufficient under the law, even though they may have thereafter willingly come. It is for the jury to determine from all the facts whether the three girls named in the bill of indictment came from New Orleans to Beaumont of their own free will, and in obedience to their own wishes, or whether they were persuaded, induced or enticed to come by the defendants. If they came of their own free will and accord, without being persuaded, induced or enticed to come, then neither of the defendants would be guilty. But, though they came voluntarily, if their volition was obtained by the persuasion, inducement or enticement described in the bill of indictment, then the defendants would be guilty.

I also tell you, gentlemen of the jury, that if the jury find from the evidence beyond a reasonable doubt that the defendants persuaded, induced or enticed the three girls mentioned in the bill of indictment to come from New Orleans, Louisiana, to Beaumont, Texas, for the purpose of prostitution, then it is absolutely immaterial whether they were prostitutes before they began the journey or not. It is just as much a violation of the law I have read you to persuade, induce or entice a prostitute to make an interstate journey for the purpose of prostitution at the end of the journey as it would be to persuade, induce or entice a woman of virtuous habits

to make such journey for the purpose of prostitution. The law does not make any distinction between the two. It is the persuasion, inducement or enticement for the purpose of prostitution that constitutes the offense, and the character of the woman so persuaded, induced or enticed is an immaterial consideration, except you may consider the character of the girls named in the bill of indictment for the purpose of enabling you to pass upon their credibility and the weight to be given to their testimony, and for the purpose of enabling the jury to determine the question of whether they came of their own accord or were persuaded, induced or enticed to come.

With reference to the third count in the bill of indictment, if the jury find from the evidence that the witness Florence Baden, alias Florence Hays, persuaded her sister Gertrude to come to Beaumont, but you believe from the evidence beyond a reasonable doubt that in so doing she acted for the defendants and at their request, then I inform you, as a matter of law, that the act of Florence in trying to persuade, induce or entice her sister Gertrude to make the interstate journey would be the act and statement of the defendants or the one of them who requested her to see and persuade Gertrude, and the defendants, or the one of them who made the request, if after being made, Florence acted upon it, would be liable and bound by the persuasion, inducement or enticement that Florence offered to Gertrude, but the Court tells you, furthermore, that if Gertrude came of her own accord, or through the persuasion of her sister Florence, and you do not find that Florence in so persuading her was acting for the defendants, then the defendants can not be convicted on count three, and it would be the duty of the jury to acquit them upon that count if you find that to be true.

Gentlemen, it has been suggested in the evidence on behalf of the defendant, Effie Hoke, that at the time of the alleged commission of the offense she was so drunk as to

be unconscious of what she was doing, and therefore it comes the duty of the Court to inform you as to the rule of law to govern the jury in that state of the case.

The general rule is that intoxication itself is no defense to the fact of guilt, but when the question of intent and premeditation is concerned, evidence of intoxication is admissible. If the defendant, Effie Hoke, was so drunk as not to be conscious of the nature of her act, and not to know she was doing anything wrong, so drunk as to be incapable of entertaining the specific intent described in the bill of indictment, that character of intoxication would be a defense, and if you believe from the evidence that at the time of the alleged commission of the offense the defendant, Effie Hoke, was so intoxicated as to be incapable of entertaining the specific intent charged in the bill of indictment, then it would be the duty of the jury to acquit the defendant Effie Hoke.

During the course of the argument, much has been said to the jury in reference to the penalty in this case, and, as said by counsel, there is a very wide latitude in the matter of the penalty. The Court desires to tell you that the question of the penalty is a matter with which you have nothing in the world to do. Your duty will have been discharged when you have determined whether the defendants are guilty, and my duty will begin, if I should see fit, after reviewing the case, to ratify the verdict you find. The matter of penalty is for the Court and not for the jury. That is a matter that ought not to have been suggested to you in argument, and you must eliminate it from your deliberations as being out of your province and exclusively in the power and province of the Court.

Now, gentlemen, applying the facts in evidence before you to the law I have given you in charge, if you find from the evidence beyond a reasonable doubt, that the defendant, Effie Hoke, on or about the 14th of November, 1910, in the City of New Orleans, in the State of Louisi-

ana, did knowingly persuade, induce and entice the witness Annette Baden, alias Annette Hays, to go from New Orleans, Louisiana, to Beaumont, Texas, for the purpose of prostitution; and if you further so believe that the said Effie Hoke did then and there and thereby knowingly cause the said Annette Baden, alias Annette Hays, to go and be carried and transported as a passenger upon the line or route of a common carrier engaged in interstate commerce between the City of New Orleans and the City of Beaumont, with the intent and purpose of her, the said Effie Hoke, that the said Annette Baden, alias Annette Hays, should engage in the practice of prostitution in the City of Beaumont; and if you further find from the evidence beyond a reasonable doubt, that by reason of having been so persuaded, induced and enticed, she, the said Annette Baden, alias Annette Hays, did then and there go and was transported in interstate commerce over the line or route of said common carrier from the City of New Orleans, in the State of Louisiana, to the City of Beaumont in the State of Texas, and that thereafter by virtue of such persuasion, inducement and enticement did engage in the practice of prostitution in the City of Beaumont, then you will find the defendant, Effie Hoke, guilty on the first count in the indictment.

And if you further find beyond a reasonable doubt that the defendant, Basile Economides, in the City of New Orleans in the State of Louisiana, on the said 14th day of November, 1910, did knowingly aid and assist the said Effie Hoke to persuade, induce and entice the said Annette Baden, alias Annette Hays, to come in interstate commerce from the City of New Orleans, in the State of Louisiana, to the City of Beaumont, in the State of Texas, for the purpose of prostitution, and with the intent upon the part of him, the said Basile Economides, that the said Annette Baden, Alias Annette Hays, should engage in the practice of prostitution in the City of Beaumont, then in that event you will also find the de-

fendant, Basile Economides, guilty under count number one of this indictment.

Having disposed of count No. 1 in your deliberations, it would then be the duty of the jury to take up count No. 2 in the bill of indictment, and I instruct you as follows as to count No. 2.

If you find from the evidence beyond a reasonable doubt that the defendant, Effie Hoke, on or about the 14th of November, 1910, in the City of New Orleans in the State of Louisiana, did knowingly persuade, induce and entice the witness Florence Baden, alias Florence Hays, to go from New Orleans, Louisiana, to Beaumont, Texas, for the purpose of prostitution; and if you further so believe that the said Effie Hoke did then and there and thereby knowingly cause said Florence Baden, alias Florence Hays, to go and be carried and transported as a passenger upon the line or route of a common carrier engaged in interstate commerce between the City of New Orleans and the City of Beaumont, with the intent and purpose of her, the said Effie Hoke, that the said Florence Baden, alias Florence Hays, should engage in the practice of prostitution in the City of Beaumont; and if you further find from the evidence beyond a reasonable doubt that by reason of having been so persuaded, induced and enticed, she, the said Florence Baden, alias Florence Hays, did then and there go and was transported in interstate commerce over the line or route of said common carrier from the City of New Orleans, in the State of Louisiana, to the City of Beaumont, in the State of Texas, and that thereafter by virtue of such persuasion, inducement and enticement did engage in the practice of prostitution in the City of Beaumont, then you will find the defendant, Effie Hoke, guilty on the second count in the indictment.

And if you further find beyond a reasonable doubt that the defendant, Basile Economides, in the City of New Orleans, in the State of Louisiana, on the said 14th

day of November, 1910, did knowingly aid and assist the said Effie Hoke to persuade, induce and entice the said Florence Baden, alias Florence Hays, to come in interstate commerce from said City of New Orleans, in the State of Louisiana, to the City of Beaumont, in the State of Texas, for the purpose of prostitution, and with the intent upon the part of him, the said Basile Economides, that the said Florence Baden, alias Florence Hays, should engage in the practice of prostitution in the City of Beaumont, then in that event you will also find the defendant, Basile Economides, guilty under count No. 2 of this indictment.

Now, having disposed of count No. 2, it will be the duty of the jury to give their attention to count No. 3 in this bill of indictment, and upon that count the Court informs you:

If the jury find from the evidence beyond a reasonable doubt that Effie Hoke, on the 14th day of November, 1910, in the city of New Orleans in the State of Louisiana, did knowingly persuade, induce and entice Gertrude Baden, alias Gertrude Hays, to go from the City of New Orleans, in the State of Louisiana, to the City of Beaumont, in State of Texas, in interstate commerce for the purpose of prostitution; and if you further find from the evidence beyond a reasonable doubt that the said Gertrude Baden, alias Gertrude Hays, was then and there under the age of eighteen years, and that the said Effie Hoke did then and there, by such persuasion, inducement and enticement, knowingly cause the said Gertrude Baden, alias Gertrude Hays, to go and be carried and transported as a passenger upon the line or route of a common carrier engaged in interstate commerce between the City of New Orleans, in the State of Louisiana, and the City of Beaumont, in the State of Texas, with the intent and purpose of her, the said Effie Hoke, that the said Gertrude Baden, alias Gertrude Hays, should engage in the practice of prostitution in the City of

Beaumont, in the State of Texas; and if you further find from the evidence beyond a reasonable doubt, that the said Gertrude Baden, alias Gertrude Hays, by reason of being so persuaded, induced and enticed, did then and there go and was transported in interstate commerce over the line or route of a common carrier from the City of New Orleans in the State of Louisiana, to the City of Beaumont in the State of Texas, and thereafter upon arriving in the City of Beaumont engaged in the practice of prostitution by virtue of such persuasion, inducement and enticement by the said Effie Hoke, then you will find the defendant, Effie Hoke, guilty under count No. 3 of this bill of indictment.

And if you further find beyond a reasonable doubt that the defendant, Basile Economides, in the City of New Orleans and State of Louisiana, on the date alleged in the bill of indictment, did knowingly aid and assist the said Effie Hoke to so persuade, induce and entice the said Gertrude Baden, alias Gertrude Hays, to come in interstate commerce from the City of New Orleans, in the State of Louisiana, to the City of Beaumont, in the State of Texas, for the purpose of prostitution, and with the intent then and there upon the part of him, the said Basile Economides, that the said Gertrude Baden, alias Hays, should engage in the practice of prostitution in the City of Beaumont, then you will find the defendant, Basile Economides, guilty under the third count in this bill of indictment.

Now, gentlemen, both of the defendants, in answer to the bill of indictment, have pleaded "not guilty," and that plea by the defendants puts the Government upon the proof of the facts necessary to establish the case as I have attempted to define and explain it to you in this charge. The burden is on the Government to show the guilt of the defendants beyond a reasonable doubt, and in case you have a reasonable doubt as to the guilt of the defendants, or either of them, it is your duty to find

them, or either of them, concerning whose guilt you have a reasonable doubt, not guilty. If you find from the evidence beyond a reasonable doubt that one of the defendants is guilty, but entertain a reasonable doubt as to the guilt of the other, it would be the duty of the jury to acquit the one of whose guilt you have a reasonable doubt, and convict the one whom you believe beyond a reasonable doubt to be guilty. If you believe beyond a reasonable doubt that both defendants are guilty, it would be your duty to convict both of them, and upon those counts in the bill of indictment upon which you believe beyond a reasonable doubt they are guilty. I want to say a word on the subject of reasonable doubt. It must not be a fanciful doubt, or such a doubt as originates or arises in a disordered mind, but must be a reasonable doubt, such a doubt as would arise in the mind of a sensible or reasonable man from the evidence or lack of evidence in the case. Where the evidence in the case is of such a character that a sensible and reasonable man would feel justified in acting upon it in matters of the highest importance and concern to his own interests, then the degree of strength and cogency required by the law has been attained. Where it falls short of this test, the doubt is such a reasonable doubt as would authorize the jury to acquit. That is the kind of doubt the law means, and what the Court means in telling you you would be justified in acquitting the defendants if you entertain a reasonable doubt. It must be such a doubt as arises from a lack of evidence or from the evidence in the case in the mind of a reasonable man.

You are the exclusive judges of the facts. With that the Court has nothing to do. You are the judges of the credibility of the witnesses, and of the circumstances in evidence and the weight to be given to the testimony of the witnesses.

As to the law, it is your sworn duty to be governed by the charge given to you by the Court. It would be just

as much a violation of your oaths to disregard the instructions given you by the Court as it would be to disregard what you believe to be the truth as sworn to by the witnesses. The law has wisely separated the province of the jury from the province of the Court, the jury being the exclusive judges of the facts, and the Court instructing them on the law.

If you find one defendant guilty, specify which defendant you find guilty and upon what count or counts. If you find both defendants guilty, say so, and on which counts you find them guilty. If you find the defendants guilty, you may say "We the jury find the defendant (mentioning the one or ones by name) guilty on count" and then specify on what count or counts. If on count No. 1, so specify, and if in addition on count No. 2, so specify, and if on count No. 3, so specify.

If you find both defendants not guilty on all counts return a general verdict saying "We, the jury, find the defendants Basile Economides and Effie Hoke not guilty," and if one defendant is found guilty and the other not guilty, frame your verdict to conform to your finding.

When you go to the jury room to deliberate, select your own foreman, and when you reach a verdict, reduce it to writing according to the instructions given you, and let it be signed by the member of your body you select as foreman.

EXCEPTIONS TO CHARGE.

Mr. Greer: We except to the charge, *first*, it omits to charge that persuasion, etc., must be connected with and followed by actual rendition of aid and assistance. *Second:* It omits to define the difference between mere persuasion and advice as to the females. *Third:* It omits definitions of prostitution, debauchery and other immoralities, leaving the jury to infer that prostitution

as such is necessarily limited to houses of prostitution, whereas prostitution includes all acts of lewdness upon the part of a female. *Fourth*: It omits to instruct a verdict of not guilty in favor of the defendant Economides, there being no evidence that he rendered actual aid and assistance towards the interstate journey of the females. *Fifth*: Because it omits to instruct a verdict of not guilty on the ground that the law under which the indictment was drawn is unconstitutional and void. *Sixth*: Because as to the female Gertrude Hays, the Court omits to charge the jury in express terms that the proof shows that the defendant Economides did not in any way persuade or assist in getting her to come to Beaumont for any purpose whatever. *Seventh*: Because it omits to charge that after arriving at the house of Effie Hoke in Beaumont and before becoming inmates thereof, they were informed and told the kind of house it was, and they could have withdrawn and not entered said house, and thereby destroying the incriminating facts as charged under the law, and showing no offense committed against the law.

We except to that part of the charge which states to the jury that the law is constitutional.

We except to the charge because it fails to state to the jury that when there has been persuasion or inducement it must be accompanied by an actual rendition of assistance in traveling.

We except to that part of the Court's charge defining conspiracy in that, *first*: Prostitution is not denounced as a crime by the terms of this act. *Second*: The traveling of prostitutes is not prohibited by the act. *Third*: Prostitution is not made a crime under the act, and there can be no conspiracy committed in the exercise of a lawful act.

We except to that part of the charge which permits the jury to consider Florence as the agent and acting

for the defendants in her persuasion of the female Gertrude to come to Beaumont for the purpose of engaging in prostitution.

We make one general exception to the failure and refusal of the Court to give the various and sundry special charges asked by the defendant Economides individually and in conjunction with his co-defendant, Effie Hoke.

Mr. Howth: We join in the exceptions made by the defendant Economides insofar as they are applicable to our client.

We except to the refusal of the Court to give the special charges asked by the defendant, Effie Hoke.

We except to that part of the charge of the Court in which he explained to the jury what was meant by reasonable doubt, in which he emphasized those things which do not constitute reasonable doubt, because the same are calculated to impress on the minds of the jury that the Court is of the opinion that there is no reasonable doubt of the defendants' guilt.

We except to that portion of the Court's charge in which he tells the jury that they can convict one defendant without convicting the other, because in connection therewith he failed to tell the jury that they could also acquit both the defendants if in the opinion of the jury they were not guilty beyond a reasonable doubt under the evidence and under the law as given in charge by the Court, because the same is calculated to impress on the minds of the jury, and did impress on the minds of the jury that the Court believed one of the defendants was guilty and the other not.

We except because the Court failed and refused to tell the jury to acquit the defendants upon one count in the indictment which charges the enticement of Gertrude Hays, because the evidence shows from the testimony of Gertrude Hays that her coming to Beaumont was by reason of the fact that her sisters were coming, and that

she came because she was following in their footsteps, and she did not come because of anything the defendants said or did.

We except to the refusal of the Court to give our special instructions.

Mr. Greer: We except to the Court's definition of reasonable doubt to the jury, because it is a comprehensive term that anybody understands, and for it there is no specific definition in law.

To all which actions and rulings of the Court, the defendants then and there, jointly and severally, in open court duly excepted, and now here present this their bill of exceptions thereto, and pray that the same be approved and ordered incorporated in the record herein.

All of which is accordingly done this the 23rd day of May, A. D. 1911.

GORDON RUSSELL, Judge Presiding.

The foregoing has the following endorsements, to-wit:

Criminal No. 167. United States vs. Effie Hoke and Basile Economides. Defendants' Bills of Exception Nos. 1 and 2. Bill No. 1 includes rulings of the court on motions to quash and demurrers to indictment. Bill No. 2 includes testimony adduced by the Government and defendants, with motions to instruct verdicts of acquittal. Filed May 23, 1911. J. R. Blades, Clerk.

BILL OF EXCEPTIONS No. 3.

Filed May 23, 1911.

In the United States District Court for the Eastern District of Texas.

United States

versus

No. C. L. 167

Effie Hoke and

Basile Economides.

Be it remembered that on the trial of the above entitled and numbered cause in this court, on the 7th day of April and at the April Term, 1911, thereof, the Hon. Gordon Russell, Judge presiding, the following proceedings were had:

That while the witness Annette Baden alias Annette Hays, a witness called by the United States, was on the witness stand, being one of the persons who the defendants are charged with having transported from New Orleans to Beaumont, and with having persuaded to leave New Orleans and go to Beaumont, Texas, for immoral purposes and for the purposes of prostitution, and while said witness was being cross examined by the attorneys for the defendants, the following question was asked by the defendants' counsel:

Q. "I will ask you if it is not a fact that you and Ouida Landry, in the city of New Orleans, prior to coming to Beaumont, were not engaged in the business of soliciting the patronage of men for the purposes of prostitution, and is it not a fact that you followed that vocation around the passenger depot and on the streets?"

Which question was then and there objected to by the Assistant U. S. District Attorney as irrelevant and immaterial, and which objection was sustained by the Court, and the witness was not permitted to answer said question: and if she had been permitted by the Court to answer said question it is expected by these defendants

that she would have answered that in the City of New Orleans, La., prior to coming to Beaumont, Texas, she and Ouida Landry were engaged in soliciting the patronage of men for the purpose of prostitution, and that they plied such vocation around the passenger depots of said city.

Said testimony was claimed by defendants to be admissible, relevant and material for the purpose of—

(1) Establishing the fact that the said Annette Baden (alias Hays) was a public prostitute in New Orleans before she came to Beaumont, Texas.

(2) Shedding light on the probability that Annette Baden (alias Hays) came to Beaumont, Texas of her own free will, and not because she was coerced or persuaded to come, as alleged in the indictment.

And the defendants then and there duly excepted to the action and ruling of the Court in sustaining the objection of the Assistant United States District Attorney, and in refusing to permit said question to be asked and answered by the witness, and in refusing to permit said answer to go before the jury, and here now tender this their bill of exception No. three, and pray that same be signed by the Court and filed by the Clerk as part of the record in this case, which is accordingly done with the attached qualification this 23d day of May, 1911.

GORDON RUSSELL,

Judge.

Bill of Exception No. 3 is signed with the following qualifications:

The witness had already been subjected to a very severe and searching cross-examination as to her habits, manner of living and morals, and had already stated that she was not a virtuous woman while she lived in New Orleans; that she had made assignation with men at hotels, and had prostituted herself with them for hire.

Had denied in answer to cross examination, that she had walked the streets; that she was known as a street-walker; that she had frequented assignation houses; that she met any and all men that wanted to meet her; that she made it her business to stay with men for hire. (See pages 34 and 35 of Bill of Exception No. 2).

The objection was sustained to the court, not only because it was irrelevant and immaterial, but because the subject matter had been thoroughly gone over showing that she was not a virtuous woman.

GORDON RUSSELL, Judge Presiding.

The foregoing has the following endorsements, to-wit:

Cr. 167. United States vs. Effie Hoke and Basile Economides. Bill of Exception No. 3. Filed May 23, 1911. J. R. Blades, Clerk.

BILL OF EXCEPTIONS No. 4.

Filed May 23, 1911.

In the District Court of the United States for the Eastern District of Texas, at Beaumont.

United States of America

versus

No. D. L. 167.

Effie Hoke and

Basile Economides.

Be it remembered that on the trial of the above entitled and numbered cause in this court, on the 7th day of April, 1911, and at the April Term, 1911, of said court, the Hon. Gordon Russell, Judge, presiding, the following proceedings were had, to-wit:

A jury was impaneled and sworn according to law, the United States District Attorney, appearing for the United States, thereupon called as a witness for the United States the witness Annette Baden, alias Annette Hays, and thereupon the court permitted said witness to

testify, on her direct examination, in reply to questions propounded by the United States District Attorney, over the objection of the defendants, and each of them, to the following effect:

"After we arrived in Beaumont we stayed with Effie Hoke a week and a half, and could not get out of debt. Peddlers would come along and she would buy us things and we got in debt more and more and we never could get out of debt, so one morning we decided to take up our clothes and go away. We packed up our clothes and one of my sisters got out in the morning and Gertrude did not get out. Ouida Landry and Florence got out. They left the house about five o'clock, and Paul came back for us, the balance of us, and Effie Hoke woke up, and Effie Hoke said to him, 'You have taken Florence and Ouida and now you have come for Annette and Gertrude' and she phoned for an officer and had him arrested, so the officer came and took Paul away. Effie came into my room and taken my clothes and Gertrude's and put them in a vacant room and locked them up. Effie Hoke told us she would keep our clothes until we paid her what we owed her. That afternoon Florence and Ouida got out, she would not give me my hat or coat or anything, so I borrowed the maid's coat and went to the postoffice and there I met Florence and Ouida, and was talking to them and was on my way back to Miss Effie's to stay with Gertrude, and an officer came up and said 'Miss Effie has got all three of you up for vagrancy,' and he said 'You are under arrest.' I phoned her (meaning Miss Effie Hoke) and asked her if it was so, that the Marshal said I was under arrest, and that she had all three of us up for vagrancy, and she said 'yes'."

To all of which testimony and the questions in reply to which it was given, the defendants and each of them through their attorneys then and there duly objected, on the ground that same was and is immaterial, incompetent, irrelevant and does not shed light upon any of the issues in this case, and because what took place after the arrival of the witness and her sisters in Beaumont could not, and does not constitute any offense against the Federal statute, and because said matters and things about which said witness was permitted to testify do not con-

stitute any part of the charge in the bill of indictment, and because said testimony was and is highly prejudicial to the defendants and each of them, and calculated to arouse the passions of the jury, and inflame their minds against these defendants, and said testimony was further objected to by counsel for the defendant Economides, that as to him said testimony was hearsay and inadmissible.

And the Court having overruled said objections made by the attorneys for the defendants and having permitted said testimony to go before the jury, the defendants, through their counsel, then and there duly excepted to the action and the ruling of the Court and here now tenders this their bill of exception No. 4, and pray that the same be allowed, signed by the Court in attestation of its correctness, and ordered filed by the Clerk of the Court as a part of the record in this case, which is accordingly done this 23rd day of May, 1911, with the attached qualification.

GORDON RUSSELL,

Judge.

This Bill of Exception is signed with the following qualifications.

In overruling the objections to the testimony, the Court stated to the jury as follows:

"I will admit the testimony as to the defendant, Effie Hoke. At the same time I will tell the jury now, that testimony of any transaction had by this or any of the other witnesses with Effie Hoke when the defendant, Economides, was not present, would only be evidence against Effie Hoke, unless the jury should find from the evidence in the case, taken as a whole, that both defendants, Economides and Effie Hoke, were engaged in the commission of the offense charged in the Bill of Exception. If the jury should find that there was an agreement between Effie Hoke and Economides to commit the offense charged, then statements made by either of them in pursuance of the common design would be evidence

against both of them up to the time of the consummation of the offense charged in the bill of exception, and statements made by either of the defendants after the completion of the offense charged, would only be evidence against the one making the statement.

“In addition to that, the Court will endeavor to give the jury the proper ruling in the charge.

“I will admit it against the defendant, Effie Hoke, and it will not be considered as testimony against the defendant, Economides.

The Court further controlled the admission of this testimony by the following language in his general charge:

“During the progress of this trial, the Government has been permitted to show certain acts and declarations made by the defendant, Effie Hoke, some of them outside the presence of the defendant, Economides, and, therefore, it becomes necessary for the Court to inform you as to the legal effect of those acts and declarations of the defendant, Effie Hoke, in so far as the defendant, Basile Economides, is concerned, and the Court, therefore, tells you, in this connection that the acts and declarations of the defendant, Effie Hoke, outside of the presence and hearing of the defendant, Basile Economides, must be considered by the jury only against the defendant, Effie Hoke, and they will not be considered against the defendant, Basile Economides, unless the jury find beyond a reasonable doubt from the evidence, that there was an agreement or common purpose between the two defendants to commit the offense charged in the bill of indictment. But if you believe from the evidence beyond a reasonable doubt that there was an agreement or common understanding between the two defendants to commit the offense charged in the bill of indictment, then I inform you, as a matter of law that the act of one becomes the act of both when done in pursuance of the common design. In such case it is the act of the person who did it by perpetration and becomes that act of the other by adoption, provided the jury believes that there was a common purpose and design to commit the offense. In this connection I further charge you that any act or declaration of the defendant, Effie Hoke, made after the girls, Annette, Florence and Gertrude left the City of New Orleans would not be evidence against the

defendant, Basile Economides, but the Jury may consider it as evidence against the defendant, Effie Hoke. In other words, if you believe there was a design and conspiracy between the two defendants to commit the offense charged, then the act of one becomes the act of the other when performed in pursuance of the common design, but it must have been done during the conspiracy. After the conspiracy, if you believe there was such, has terminated, then the act is only evidence against the one who does it, and is not evidence against the other."

GORDON RUSSELL, Judge.

The foregoing has the following endorsements, to-wit:

Cr. 167. United States vs. Effie Hoke and Basile Economides. Bill of Exceptions No. 4. Filed May 23, 1911. J. R. Blades, Clerk.

BILL OF EXCEPTIONS No. 5.

Filed May 23, 1911.

In the United States District Court for the Eastern District of Texas, at Beaumont.

The United States

versus

D. L. No. 167.

Effie Hoke and

Basile Economides.

Be it remembered that on the trial of the above entitled and numbered cause in this court, on the 8th day of April, and at the April Term A. D. 1911 thereof, the Hon. Gordon Russell, Judge, presiding, the following proceedings were had:

That after a jury had been sworn and impaneled in said cause, and while the witness Ouida Landry, a witness called on behalf of the United States, was being cross examined by the defendants through their counsel, the defendants then and there sought to prove by said witness by divers and sundry questions, that she, the witness, in the city of New Orleans and prior to coming

to Beaumont, was engaged in the business of a common prostitute, and had been so engaged for several years before coming to Beaumont, Texas, and in this connection, defendants and each of them proposed to ask said witness Ouida Landry, if it were not a fact that prior to her coming to Texas that in the city of New Orleans, La., she followed the business of a common prostitute and street walker: that she was an inmate of the house of prostitution kept by Pauline Wilson in the city of New Orleans, and there followed the business of a common prostitute: that also in the city of New Orleans and prior to coming to Beaumont in November, 1910, she the witness was an inmate of a house of prostitution kept by a woman named Anna, and, also that in said city of New Orleans and prior to coming to Texas in November, 1910, she the said witness was at one time an inmate of a house of prostitution kept by a woman named May Derby, and also if she, the witness, did not frequent the passenger depots in the city of New Orleans prior to coming to Texas, and there solicit men to engage in acts of illicit intercourse with her for hire.

And the Court, on its own motion, and without objection on the part of the United States District Attorney, then and there refused to permit defendants to ask the witness such questions, or any question calculated to elicit, or for the purpose of eliciting any facts showing, or tending to show that the said witness Ouida Landry was a common prostitute in New Orleans, La., prior to coming to Beaumont in November 1910, and the Court refused to permit said testimony to go before the jury for any purpose.

If the Court had permitted such questions to have been asked of, and answered by the witness, it is expected by the defendants that she would have answered to the effect that in the City of New Orleans prior to November, 1910, she was a common or public prostitute: that she was at different times, an inmate of the houses

of prostitution kept by Pauline Wilson, May Derby and a woman named Anna: that she was a "street walker," and frequented the passenger depots in New Orleans for the purpose of, and did there solicit men to engage in acts of illicit intercourse with her for hire.

Such testimony was offered by defendants for the purpose of circumstantially proving, or tending to prove (1) that Gertrude Baden, Annette Baden and Florence Baden, alias Hays (who it is alleged were persuaded by defendants to travel from New Orleans to Beaumont for the purpose of engaging in prostitution in Beaumont), were public or common prostitutes in New Orleans, prior to coming to Beaumont, Texas, at the time alleged in the indictment, it having been admitted by the said Baden (alias Hays) girls that they and the said Ouida Landry were friends and associates in the said city of New Orleans prior to their coming to Beaumont, Texas, in November, 1910, and that at and before such time they knew Ouida Landry was in Beaumont, Texas; (2) that said Baden (alias Hays) girls were not persuaded or coerced to take said interstate journey by reason of any persuasion, but that they took said journey of their own free wills and accord.

And the Court having refused to permit said questions to be asked of, or answered by the witnesses, and having refused to allow the answers to go before the jury, the defendants then and there duly excepted to the action and ruling of the Court in such refusal and now here tender this their bill of exception No. 5 and pray that the same be allowed, signed by the Court in attestation of its correctness, and ordered filed by the Clerk as a part of the record in this cause, which is accordingly done this 23rd day of May, 1911, with the following qualification:

The witness had already admitted on the witness stand that since she came to Beaumont she had been leading

the life of a common public prostitute and that she was now living the life of a public prostitute. The Court allowed that statement of the witness' life to enable the jury to determine her credibility. The Court was of the opinion that the questions propounded tended to elicit particulars of the witness' life which were not material as to her credibility, after she admitted that she was a public prostitute at the time of the trial and had been since she came to Beaumont. The Court stated to counsel for defendants at the time that they would be permitted to prove by this witness or by any other witness that the Baden girls mentioned in the bill of indictment were prostitutes before they came to Beaumont but excluded the questions above set out for the reasons herein stated.

GORDON RUSSELL, Judge.

The foregoing has the following endorsements, to-wit:
Cr. 167. United States vs. Effie Hoke and Basile Economides. Bill of Exceptions No. 5. Filed May 23, 1911. J. R. Blades, Clerk.

BILL OF EXCEPTIONS No. 6.

Filed May 23, 1911.

In the District Court of the United States for the Eastern District of Texas, at Beaumont.

The United States

versus

Cr. No. 167.

Effie Hoke and
Basile Economides.

Be it remembered that on the trial of the above entitled and numbered cause in this court, on the 7th day of April and at the April Term A. D. 1911 thereof, the Hon. Gordon Russell, Judge, presiding, the following proceedings were had:

That while the witness Florence Baden, alias Florence Hays, a witness called by the United States, was on the

witness stand and testifying, the said witness being one of the persons who the defendants are charged with having persuaded to take an interstate journey from New Orleans, La., to Beaumont, Texas, for immoral purposes, and while the said witness was being cross-examined by the attorney for the defendants the following question was propounded to said witness:

Q. Is it not a fact that upon your arrival in Beaumont you were treated by a Beaumont physician for a venereal disease?

Which question was objected to by the United States District Attorney on the ground that it was immaterial, in view of the fact that the witness did not claim to be a virtuous girl while in New Orleans, and the Court having sustained said objection, and refused to allow the said witness to answer, the defendants then and there duly excepted to the action and ruling of the Court in refusing to permit said question to be answered by the witness, and if permitted, the defendants expected the witness to answer, and she would have answered that she was treated for a venereal disease which she contracted in New Orleans, after her arrival in Beaumont. And the defendants claimed that her answer was material and admissible as shedding light upon, and as tending to prove, defendants' contention that the witness was a public prostitute in New Orleans before she came to Beaumont, Texas, and as shedding light upon the fact whether she came to Beaumont of her own free will, or whether she was coerced and persuaded to come, and as tending to prove defendants' contention that she was not persuaded or coerced, but came to Beaumont of her own free will, and that said facts were such facts as the jury might deduct therefrom that she probably did come to Beaumont of her own free will, and as tending to rebut the Government's contention that she was persuaded to come.

And the defendants here now tender this their bill of exception No. 6, and pray that the same be allowed and

signed by the Court and filed by the Clerk as a part of the record in this cause, which is accordingly done this the 23rd day of May, 1911.

GORDON RUSSELL, Judge.

The foregoing has the following endorsements, to-wit:

Cr. 167. United States vs. Effie Hoke and Basile Economides. Bill of Exceptions No. 6. Filed May 23, 1911. J. R. Blades, Clerk.

BILL OF EXCEPTIONS No. 7.

Filed May 23, 1911.

In the District Court of the United States for the Eastern District of Texas, at Beaumont.

The United States

versus

Cr. No. 167

Effie Hoke and

Basile Economides.

Be it remembered, that on the trial of the above entitled and numbered cause in this court, on the 7th day of April and at the April Term, 1911, thereof, the Hon. Gordon Russell, Judge, presiding, the following proceedings were had, to-wit:

A jury was impaneled and sworn according to law, and the United States District Attorney, appearing for the United States, thereupon called as a witness for the United States, Gertrude Baden, alias Gertrude Hays, and thereupon the Court permitted said witness to testify, on her direct examination, and in reply to questions propounded to her by the United States District Attorney, over the objections of the defendants, and each of them, to the following effect:

"After we arrived in Beaumont, and when we would get out of debt to Effie Hoke, she would buy clothes and say we owed that much more, and then she would tell us

we would have to stay there (meaning at her house) until we paid her, and I had to follow the life of a common prostitute because I could not do otherwise.”

To all of which testimony, and the questions in reply to which it was given, and before the answers were given as above set out, the defendants and each of them then and there duly objected, on the ground:

(1)

That it was and is immaterial, incompetent and irrelevant to any issue in the case, beyond the mere fact that after the Baden girls arrived in Beaumont they followed the business of prostitution, which these defendants admitted and offered to admit.

(2)

That said testimony going further than establishing the mere fact that they followed prostitution after their arrival in Beaumont, and proving, as it does in fact prove, that the defendant Effie Hoke enslaved them to a life of shame and degradation in a house of public prostitution in the City of Beaumont, and against their wills, by the ways and means stated, not only becomes irrelevant, but highly inflammatory, and was and is calculated to arouse the passions of the jury against these defendants, and was and is calculated to cause the jury to convict these defendants on the charge of persuading the said girls to leave New Orleans and come to Beaumont for the purpose of prostitution, more for the reason that the defendant Effie Hoke enslaved them against their wills, by devious ways and means, in a house of public prostitution, after their arrival in Beaumont, than for persuading them to leave New Orleans, and would likely cause the jury to convict on the charge stated in the indictment upon less evidence of the specific charge than otherwise; and that the admission of said prejudicial evidence was a gratuitous invasion of the rights of these defendants,

and that as to the defendant Economides, in addition to the objections herein urged, the same was and is hearsay.

The Court having overruled the said objections, and having permitted said testimony as set out herein to go before the jury, and to be considered by them as part of the evidence, these defendants then and there duly excepted to said action and ruling of the Court, and here now tender this their bill of exceptions No. 7, and pray that the same be allowed and signed by the Court in attestation of its correctness, and ordered filed by the Clerk as part of the record in this cause, which is accordingly done this the 23rd day of May, 1911, with the same explanation as is contained in the qualification to bill of exceptions No. 4 (four).

GORDON RUSSELL, Judge.

The foregoing has the following endorsements, to-wit:

Cr. 167. United States vs. Effie Hoke and Basile Economides. Bill of Exceptions No. 7. Filed May 23, 1911. J. R. Blades, Clerk.

BILL OF EXCEPTIONS No. 8.

Filed May 23, 1911.

In the District Court of the United States for the Eastern District of Texas, at Beaumont.

The United States

versus

Cr. No. 167.

Effie Hoke and

Basile Economides.

Be it remembered, that on the trial of the above entitled and numbered cause, in this court, on the 7th day of April and at the April Term, 1911, thereof, the Hon. Gordon Russell, Judge, presiding, the following proceedings were had:

A jury was impaneled and sworn according to law, and at the conclusion of the case of the United States in chief,

and after the Government had rested, the defendants then and there tendered as a witness in their behalf Dr. J. H. Reagan, a practicing physician and surgeon residing in the City of Beaumont, Texas, and by the said witness the defendants then and there offered to prove that in the month of November, 1910, and within a day or so after the arrival in Beaumont of the witness Florence Baden, alias Florence Hays, being one of the persons defendants are charged with having persuaded to take an interstate journey from New Orleans, La., to Beaumont, Texas, for an immoral purpose, she, the said Florence Baden applied to the said witness Dr. J. H. Reagan for treatment, and he did then and there treat the said Florence Baden for a venereal disease, which she, the said Florence Baden, had theretofore contracted in the City of New Orleans, La.

And the Court then and there refused to permit the defendants to place the said witness Dr. J. H. Reagan upon the witness stand, and refused to permit defendants' counsel to propound to the said witness questions to elicit said information, and refused to permit the said witness to testify to the fact that he did treat Florence Baden, alias Florence Hays, for a venereal disease contracted in New Orleans, after her arrival in Beaumont, Texas, and if permitted to do so the witness Reagan would have testified that he did treat Florence Baden, alias Hays, for a venereal disease contracted in New Orleans, La.

To which action and ruling of the Court in refusing to permit the defendants to prove by said witness what is hereinbefore set out, the defendants then and there duly excepted, and then and there claimed that it was admissible and offered for the purpose of contradicting the witness Florence Baden, alias Florence Hays, and for the purpose of proving and tending to prove that she was a public prostitute in the City of New Orleans prior to coming to Beaumont, Texas, and as shedding light upon the probability that the said Florence Baden came to Beau-

mont, Texas, of her own free will and accord; and the defendants here now tender this their bill of exceptions No. 8, and pray that the same be allowed, signed by the Judge and filed by the Clerk as part of the record in this case, which is accordingly done this 23rd day of May, 1911.

GORDON RUSSELL, Judge.

The foregoing has the following endorsements, to-wit:
Cr. 167. United States vs. Effie Hoke and Basile Economides. Bill of Exceptions No. 8. Filed May 23, 1911.
J. R. Blades, Clerk.

BILL OF EXCEPTIONS No. 9.

Filed May 23, 1911.

In the District Court of the United States for the Eastern District of Texas, at Beaumont.

The United States

versus

Cr. No. 167.

Effie Hoke and

Basile Economides.

Be it remembered, that on the trial of the above entitled and numbered cause in this court, on the 7th day of April and at the April Term, 1911, thereof, the Hon. Gordon Russell, Judge, presiding, the following proceedings were had, to-wit:

A jury was impaneled and sworn according to law, and the United States District Attorney, appearing for the United States, thereupon called as a witness for the United States, Florence Baden, alias Florence Hays, being one of the persons the defendants are charged in the indictment with having persuaded to take an interstate journey from New Orleans, La., to Beaumont, Texas, for an immoral purpose, and thereupon the Court permitted said witness to testify, on her direct examination, and in

reply to questions propounded by the United States District Attorney, over the objection of the defendants, to the following:

"I stayed in Effie Hoke's house, in Beaumont, about two weeks after I arrived in Beaumont. I left her house one morning about 5 o'clock. I wanted to leave, and Miss Effie had said if we tried to get out she would kill us, so I got out that morning while she was asleep. We wanted to go to Houston, but did not get our clothes, so we could not go. We went down to some hotel down here (meaning Beaumont), started to go, and a policeman would not let us go. A fellow named Teddy arrested us. He took us to the hotel and then down to the jail at the Court House. That all occurred right after we left, as soon as we got upon the main street; it occurred about in a half-hour after we left. The man who arrested us was a policeman; he had a uniform on; there were two policemen that arrested us; one was called Teddy; I don't know the other's name. Then we stayed down at the jail about an hour. When we got out of jail we went to the depot; then we tried to get our things and did not get them, and then we went to the Jefferson Hotel, and we were arrested again by two policemen, whose names I do not know."

To all of which testimony and the questions in reply to which it was given, and before the answers were given as above set out, the defendants then and there duly objected on the ground:

(1)

That it was and is immaterial, incompetent and irrelevant to any issue in the case, beyond the mere fact that after the Baden girls arrived in Beaumont they followed the business of prostitution, which these defendants admitted and offered to admit, and to the proof of which they did not object.

(2)

That said testimony, going further than establishing the mere fact that they followed prostitution after their

arrival in Beaumont, and proving, as it does in fact prove, that the defendant Effie Hoke enslaved them to a life of shame and degradation in a house of public prostitution, in the City of Beaumont, against their will, is not only irrelevant and immaterial, but is highly prejudicial to the rights of these defendants, and was and is calculated to arouse the passions of the jury against the defendants, and to cause the jury to convict the defendants on the charge of persuading said girls to leave New Orleans and go to Beaumont for an immoral purpose, more for the reason that the defendant Effie Hoke enslaved them in a house of prostitution in Beaumont, after their arrival, against their wills, than for persuading them to leave New Orleans, and would likely cause the jury to convict upon the charge stated in the indictment, upon less evidence of the specific charge than otherwise; and that the admission of such evidence is a gratuitous invasion of the rights of the defendant.

(3)

That said testimony is hearsay, especially as to the defendant Economides, who was in New Orleans at the time of the transaction spoken of; and

(4)

Because said testimony is a recital by the witness of what took place after the commission of the offense with which the defendant is charged,

(5)

Because the said testimony of the witness as herein set out, if it constitutes any offense, is one against the laws of Texas and not the laws of the United States.

(6)

Because the allegations in the indictment against the defendants in this case do not put the defendants upon notice that such testimony as herein set out and objected

to would be offered against them, and affords them no opportunity to rebut it.

(7)

Because the proof of the matters and things set out herein concerning which said witness testified, was and is not necessary to sustain the Government's case as charged in the indictment, and the only purpose which it could serve is to arouse the passions of the jury against the defendants, and to so blind them with prejudice that they cannot and would not give them a fair and impartial trial on the specific charge laid in the indictment.

And the Court having overruled said objections and all of them, and having permitted said testimony as herein set out to go before the jury, to be by them considered as part of the evidence in the case, the defendants then and there duly excepted to said action and ruling of the Court, and here now tender this their bill of exceptions No. 9, and pray that the same be allowed, signed by the Court and filed by the Clerk of the court as a part of the record in this cause, which is accordingly done this 23rd day of May, 1911, with the qualification that the jury were instructed that the evidence complained of could not be considered against the defendant Economides, but only against the defendant Effie Hoke. Annette Baden had testified over defendants' objection that after she and Florence were arrested that she asked defendant Effie Hoke over the telephone if she (Effie) had procured their arrest, and Effie replied that she had, and subsequently in the trial the defendant Effie Hoke said she had made complaint against them for vagrancy, but that they were not arrested on that complaint.

GORDON RUSSELL, Judge.

The foregoing has the following endorsements, to-wit:
Cr. 167. United States vs. Effie Hoke and Basile Economides. Bill of Exceptions No. 9. Filed May 23, 1911.
J. R. Blades, Clerk.

BILL OF EXCEPTIONS No. 10.

Filed May 23, 1911.

In the District Court of the United States for the Eastern District of Texas, at Beaumont.

The United States

versus

Cr. No. 167.

Effie Hoke and

Basile Economides.

Be it remembered, that after the evidence had closed and before the Court had charged the jury in the above case, the defendants, Effie Hoke and Basile Economides, through their attorneys, presented the following requested charge No., to-wit:

Gentlemen of the Jury:

The count in the indictment in which it is charged that the defendants induced Gertrude Hays, or furnished transportation for her to come to Beaumont, is hereby withdrawn from your consideration, it appearing from Gertrude Hays' own evidence that she came to Beaumont, not by reason of any persuasion on the part of either of these defendants."

Which charge the Court refused, and the defendants then and there excepted to such ruling of the Court, and now here present their bill of exception thereto, and pray that the same be approved and ordered incorporated in the record herein, which is accordingly done this the 23rd day of May, A. D. 1911, with the attached explanation and qualification.

GORDON RUSSELL, Judge.

On the subject covered by the above special charge requested by the defendants, the Court in his general charge to the jury instructed them as follows:

"With reference to the third count in the bill of indictment, if the jury find from the evidence that the witness

Florence Baden, alias Florence Hays, persuaded her sister Gertrude to come to Beaumont, but you believe from the evidence beyond a reasonable doubt that in so doing she acted for the defendants and at their request, then I inform you, as a matter of law, that the act of Florence in trying to persuade, induce or entice her sister Gertrude to make the interstate journey would be the act and statement of the defendants or the one of them who requested her to see and persuade Gertrude, and the defendants, or the one of them who made the request, if after being made Florence acted upon it, would be liable and bound by the persuasion, inducement or enticement that Florence offered to Gertrude. But the Court tells you, furthermore, that if Gertrude came of her own accord, or through the persuasion of her sister Florence, and you do not find that Florence in so persuading her was acting for the defendants, then the defendants cannot be convicted on Count 3, and it would be the duty of the jury to acquit them upon that count if you find that to be true." And again:

"If the jury find from the evidence beyond a reasonable doubt that Effie Hoke, on the 14th day of November, 1910, in the City of New Orleans, in the State of Louisiana, did knowingly persuade, induce and entice Gertrude Baden, alias Gertrude Hays, to go from the City of New Orleans, in the State of Louisiana, to the City of Beaumont, in the State of Texas, in interstate commerce for the purpose of prostitution; and if you further find from the evidence beyond a reasonable doubt that the said Gertrude Baden, alias Gertrude Hays, was then and there under the age of 18 years, and that the said Effie Hoke did then and there, by such persuasion, inducement and enticement, knowingly cause the said Gertrude Baden, alias Gertrude Hays, to go and be carried and transported as a passenger upon the line or route of a common carrier engaged in interstate commerce between the City of New Orleans, in the State of Louisiana, and the City of

Beaumont, in the State of Texas, with the intent and purpose of her, the said Effie Hoke, that the said Gertrude Baden, alias Gertrude Hays, should engage in the practice of prostitution in the City of Beaumont, in the State of Texas; and if you further find from the evidence beyond a reasonable doubt that the said Gertrude Baden, alias Gertrude Hays, by reason of being so persuaded, induced and enticed, did then and there go and was transported in interstate commerce over the line or route of a common carrier from the City of New Orleans, in the State of Louisiana, to the City of Beaumont, in the State of Texas, and thereafter upon arriving in the City of Beaumont engaged in the practice of prostitution by virtue of such persuasion, inducement and enticement by the said Effie Hoke, then you will find for the defendant, Effie Hoke, guilty under Count No. 3 of this bill of indictment.

“And if you further find beyond a reasonable doubt that the defendant, Basile Economides, in the City of New Orleans, and State of Louisiana, on the date alleged in the bill of indictment, did knowingly aid and assist the said Effie Hoke to so persuade, induce and entice the said Gertrude Baden, alias Gertrude Hays, to come in interstate commerce from the City of New Orleans, in the State of Louisiana, to the City of Beaumont, in the State of Texas, for the purpose of prostitution, and with the intent then and there upon the part of him, the said Basile Economides, that the said Gertrude Baden, alias Gertrude Hays, should engage in the practice of prostitution in the City of Beaumont, then you will find the defendant, Basile Economides, guilty under the third count in this bill of indictment.”

GORDON RUSSELL, Judge.

The foregoing has the following endorsements, to-wit:

Cr. 167. The United States vs. Effie Hoke et al. Bill of Exceptions No. 10. Filed May 23, 1911. J. R. Blades, Clerk.

BILL OF EXCEPTIONS No. 11.

Filed May 23, 1911.

In the District Court of the United States for the Eastern District of Texas, at Beaumont.

United States

versus

Cr. No. 167.

Effie Hoke and

Basile Economides.

Be it remembered, that after the evidence had closed and before the Court had charged the jury in the above case, and before the arguments began, the defendants, Effie Hoke and Basile Economides, through their attorneys, presented the following requested special charge No. _____, to-wit:

“Gentlemen of the Jury:

“You are instructed that you cannot convict the defendant Economides for keeping a wine room in New Orleans, nor for any act he did, nor for any character of business he may have engaged in, and you are further instructed that you cannot consider such evidence except for the purpose of showing the situation of the parties, and shedding light on the specific acts charged in the indictment herein, if in your opinion it does shed light upon the same; in other words, if you do not believe from the evidence beyond a reasonable doubt that defendant Economides did the acts charged in the indictments, then you will acquit the defendant, notwithstanding you may disapprove of the business in which he is engaged in the City of New Orleans; and I further instruct you that you will not allow the fact that defendant is the keeper of a wine room, frequented by public women or prostitutes, in any way influence you in passing upon the defendant's guilt or innocence, except as herein charged.

“And I further charge you that you cannot convict the defendant Effie Hoke for keeping a bawdy house in Beau-

mont, nor can you convict her for attempting to have the girls arrested for taking their clothes away without first paying the debt due to defendant, nor can you convict defendant Effie Hoke for any act or thing she did or may have done in Beaumont, Texas; and you are further instructed that you cannot consider such evidence except for the purpose of showing the situation of the parties, and shedding light on the specific acts charged in the indictment herein, if in your opinion it does shed light upon the same; in other words, if you do not believe from the evidence beyond a reasonable doubt that defendant Effie Hoke did the acts charged in the indictment, then you will acquit the defendant notwithstanding you may disapprove of the business in which she is or was engaged in Beaumont; and I further instruct you that you will not allow the fact that defendant, Effie Hoke was the keeper of a bawdy house, in any way, influence you in passing upon the defendants guilt or innocence, except as herein charged."

Which charge the Court refused to give to the jury as requested by defendants, and refused and omitted to embody in its main charge to the jury, and the defendants then and there excepted to such ruling and action of the Court in refusing to give such special embody therein suggested by defendants, and in refusing to embody therein suggested in its main charge, it having been testified in said case that defendant Economides was the keeper of a wine room in New Orleans and that the defendant Effie Hoke was the keeper of a bawdy house in Beaumont, and that she had and attempted to have the said girls arrested. Allowed this May 23, 1911.

GORDON RUSSELL,

Judge.

The foregoing has the following endorsements, to-wit:
Cr. No. 167. The United States vs. Effie Hoke, et al.
Bill of Exceptions No. 11. Filed May 23, 1911. J. R. Blades, Clerk.

BILL OF EXCEPTIONS No. 12.

Filed May 23, 1911.

In the District Court of the United States for the Eastern District of Texas, at Beaumont.

United States

versus

Cr. No. 167.

Effie Hoke and

Basile Economides.

Be it remembered that after the evidence had closed and before the Court had charged the jury in the above case, the defendant, Basile Economides, through his attorneys, presented the following requested special charge No. 3, to-wit:

“Gentlemen of the Jury:

“You will not consider against the defendant Basile Economides any evidence in the case concerning what took place after the three girls named in the indictment arrived in Beaumont, Texas.”

Which charge the Court refused and the defendant then and there excepted to such ruling of the Court, and now here presents his Bill of Exception thereto, and prays that the same be approved and ordered incorporated in the record herein, which is accordingly done this the 23 day of May, A. D., 1911, with the explanation and qualification attached.

GORDON RUSSELL,

Judge.

On the subject covered by the above Special Charge requested by the defendants, the court in his general charge to the Jury instructed them as follows:

“During the progress of this trial the Government has been permitted to show certain acts and declarations made by the defendant, Effie Hoke, some of them outside the presence of the defendant, Economides, and, therefore, it becomes necessary for the court to inform

you as to the legal effect of those acts and declarations of the defendant, Effie Hoke, insofar as the defendant, Basile Economides is concerned; and the court, therefore, tells you, in this connection, that the acts and declarations of the defendant, Effie Hoke, outside of the presence and hearing of the defendant, Basile Economides, must be considered by the jury only against the defendant, Effie Hoke, and they will not be evidence against the defendant, Basile Economides, unless the jury finds beyond a reasonable doubt from the evidence that there was an agreement or common purpose between the two defendants to commit the offense charged in the bill of indictment. But if you believe from the evidence beyond a reasonable doubt that there was an agreement or common understanding between the two defendants to commit the offense charged in the bill of indictment, then I inform you, as a matter of law, that the act of one becomes the act of both when done in pursuance of the common design. In such case it is the act of the person who did it by perpetration and becomes the act of the other by adoption, provided the jury believes that there was a common purpose and design to commit the offense.

In this connection, I further charge you that any act or declaration of the defendant, Effie Hoke, made after the girls Annette, Florence and Gertrude left the City of New Orleans would not be evidence against the defendant, Basile Economides, but the jury may consider it as evidence against the defendant, Effie Hoke. In other words, if you believe there was a design and conspiracy between the two defendants to commit the offense charged, then the act of one becomes the act of the other when performed in pursuance of the common design, but it must have been done during the conspiracy. After the conspiracy, if you believe there was such, has terminated, then the act is only evidence against the one who does it, and is not evidence against the other."

GORDON RUSSELL,
Judge.

The foregoing has the following endorsements, to-wit:

Cr. No. 167. The United States vs. Effie Hoke, et al.
Bill of Exceptions No. 12. Filed May 23, 1911. J. R.
Blades, Clerk.

BILL OF EXCEPTIONS No. 13.

Filed May 23, 1911.

In the District Court of the United States for the Eastern District of Texas, at Beaumont.

United States

versus

Cr. No. 167.

Effie Hoke and

Basile Economides.

Be it remembered that after the evidence had closed and before the Court had charged the jury in the above case, the defendants, Effie Hoke and Basile Economides, through their attorneys, presented the following requested special charge, No....., to-wit:

“Gentlemen of the Jury:

“If you believe from the evidence that the defendant Effie Hoke persuaded the said girls or either of them to come to Beaumont, and purchased a railroad ticket for them or either of them, or if you believe that she did either of said things, then you will acquit her unless you also further believe that they, the girls, came by reason of such persuasion and in this connection you are also instructed that if they came by reason of their own desire and will to do so, then you will acquit them, even if you should also believe that Effie Hoke persuaded them and furnished a ticket or either persuaded or furnished a ticket.

“And if you believe from the evidence that said girls came by reason of their own will, then you will acquit them even if you should also believe that the defendant Economides persuaded them to come, if you also believe that their coming to Texas was by reason of their own desires to come and not by reason of such persuasion.”

Which charge the Court refused and the defendants then and there excepted to such ruling of the Court, and now here present their Bill of Exception thereto, and pray that the same be approved and ordered incorpor-

ated in the record herein, which is accordingly done this the 23 day of May, A. D., 1911.

GORDON RUSSELL,
Judge Presiding.

The foregoing has the following endorsements, to-wit:
Cr. No. 167. The United States vs. Effie Hoke, et al.
Bill of Exceptions No. 13. Filed May 23, 1911. J. R. Blades, Clerk.

BILL OF EXCEPTIONS No. 15.

Filed May 23, 1911.

In the District Court of the United States for the Eastern District of Texas, at Beaumont.

United States
versus Cr. No. 167.
Effie Hoke and
Basile Economides.

Be it remembered that after the evidence had closed and before the Court had charged the jury in the above case, the defendants, Effie Hoke and Basile Economides, through their attorneys, presented the following requested special charge, No., to-wit:

“Gentlemen of the Jury:

“As the Act under which this indictment is drawn does not prohibit or forbid any woman or girl to travel from one State into another for the purpose of there engaging in prostitution or debauchery or other immoral purpose, her act in so traveling is lawful regardless of her intention, and under the Constitution of the United States, Congress cannot make a crime of one aiding or assisting, or persuading or prevailing on her to take such journey, for the purpose of having her engage in prostitution or debauchery or other immoral purpose.

“You will, therefore, acquit the defendants.”

Which charge the Court refused and the defendants then and there excepted to such ruling of the Court, and

now here present their Bill of Exception thereto, and pray that the same be approved and ordered incorporated in the record herein, which is accordingly done this the 23 day of May, A. D., 1911.

GORDON RUSSELL,
Judge Presiding.

The foregoing has the following endorsements, to-wit:

Cr. No. 167. The United States vs. Effie Hoke & Basile Economides. Bill of Exceptions No. 15. Filed May 23, 1911. J. R. Blades, Clerk.

BILL OF EXCEPTIONS No. 16.

Filed May 23, 1911.

In the District Court of the United States for the Eastern District of Texas, at Beaumont.

United States
versus
Effie Hoke and
Basile Economides. Cr. No. 167.

Be is remembered that after the evidence had closed and before the Court had charged the jury in the above case, the defendants, Effie Hoke and Basile Economides, through their attorneys, presented the following requested special charge, No., to-wit:

“Gentlemen of the Jury:

“Unless you believe from the evidence beyond a reasonable doubt that the defendants knowingly and feloniously persuaded, induced, coerced, or caused to be persuaded, enticed, coerced, or assisted in persuading, inducing, enticing, or coercing, the said girls or either of them; and unless you further believe from the evidence beyond a reasonable doubt that such persuasion, inducing, enticing, or coercing was the cause of their going from New Orleans to Beaumont for immoral purposes, and unless you further believe from the evidence beyond a reasonable doubt that defendants procured a ticket or

tickets or caused the same to be procured, and that the procuring of such ticket and the furnishing of the money therefor, was for the purpose of inducing them to go to Beaumont for immoral purposes, then you must acquit the defendants."

Which charge the Court refused and the defendants then and there excepted to such ruling of the Court, and now here present their Bill of Exception thereto, and pray that the same be approved and ordered incorporated in the record herein, which is accordingly done this the 23 day of May, A. D., 1911. Allowed with the explanation and qualification attached hereto.

GORDON RUSSELL,
Judge Presiding.

On the subject covered by the above special charge requested by the defendants, the court in his general charge to the jury instructed them as follows:

"The jury will observe from the reading of the two sections I have given you that one of the salient features of distinction between Section Three and Section Four is that in the last section an element of the case which the Government must prove is that the girl must be under the age of eighteen years. Under Section Three the age of the girl is immaterial, and this section applies to counts one and two of the bill of indictment. Under Section Four under which the third count of the indictment was framed, the Government must prove that the girl who was so induced to make the interstate journey for the purpose of prostitution was at that time under the age of eighteen years, so in this bill of indictment count three, which charges that the girl Gertrude Baden, alias Gertrude Hays, was induced, enticed and persuaded by the defendants to make the journey described in the bill of indictment was at that time under the age of eighteen years, and that fact must be proven by the Government as an element of the case necessary to a verdict of conviction.

In explanation of the meaning of the term "interstate commerce" the first section of the Act from which I have read sections three and four defines briefly, sim-

ply and clearly what Congress means by "interstate commerce."

It says:

"That the term 'interstate commerce' as used in this Act shall include transportation from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia."

"The Act further defines foreign commerce, but that part of the Act is not necessary to be given you in charge. So that interstate commerce means the transportation of a person from one State to another State.

"Now, in order to assist the jury in understanding the matter, and in applying the facts of the case to the law given you in charge, the court desires to briefly summarize the necessary elements of the case as applied to each count in the bill of indictment and each section of the law as I have read it to the jury.

"Under section three, and I observe again that that section makes the age of the woman immaterial, in order to constitute the offense, the following elements must concur: That the defendants knowingly persuaded, induced or enticed, or aided or assisted in persuading, inducing or enticing a woman or girl to come from one place to another place in interstate commerce for the purpose of prostitution, or with the intent and purpose on the part of the defendants that such woman or girl shall engage in the practice of prostitution. Now, so far as this element of the offense is concerned, it is immaterial whether the girl after being so persuaded engaged in the practice of prostitution with or without her consent. Another necessary element of the offense under section three is that the defendants by such persuasion, inducement or enticement knowingly caused, or aided or assisted in causing such woman or girl to come and be carried as a passenger upon the line of any common carrier engaged in interstate commerce. Those are the necessary elements which the Government must prove beyond reasonable doubt before you would be authorized to convict under the first two counts mentioned in the bill of indictment, which two counts were drawn under Section Three of the Act which I read to you a moment ago.

"The necessary elements which the Government must show in order to make out an offense under Section Four

of the Act, and which is intended to be embraced in the third count of the bill of indictment are, first that the defendants knowingly persuaded, induced or enticed a woman or girl under the age of eighteen years from one State to another State with the purpose and intent, or that she shall be induced or coerced to engage in the practice of prostitution. Second, that the defendants in furtherance of such purpose knowingly induced or caused such woman or girl under the age of eighteen years to go and be carried in interstate commerce as a passenger upon the line of road of any common carrier."

The foregoing has the following endorsements, to-wit:

Cr. No. 167. The United States vs. Effie Hoke & Basile Economides. Bill of Exception No. 16. Filed May 23, 1911. J. R. Blades, Clerk.

BILL OF EXCEPTIONS No. 17.

Filed May 23, 1911.

In the District Court of the United States for the Eastern District of Texas, at Beaumont.

United States
versus
Effie Hoke and
Basile Economides. Cr. No. 167.

Be it remembered that after the evidence had closed and before the Court had charged the jury in the above case, the defendant, Basile Economides, through his attorneys, presented the following requested special charge No. One, to-wit:

"Gentlemen of the Jury:

"There is no proof before you that the defendant, Basile Economides, rendered any actual aid or assistance in the transportation of Annette Baden, alias Annette Hays, of Florence Baden, alias Florence Hays, of Gertrude Baden, alias Gertrude Hays, in interstate transportation to Beaumont; and under the Act under which the indictment is returned in this case it is ne-

cessary and devolves upon the Government to prove that he actually rendered such aid and assistance in addition to persuading the said women or girls to go from New Orleans to Beaumont.

“You will, therefore, acquit the said defendant, Basile Economides, regardless of how you may find as to his co-defendant.”

Which charge the Court refused and the defendant then and there excepted to such ruling of the Court, and, now here presents his Bill of Exception thereto, and prays that the same be approved and ordered incorporated in the record herein, which is accordingly done this the 23 day of May, A. D, 1911.

GORDON RUSSELL,
Judge Presiding.

The foregoing has the following endorsements, to-wit:

Cr. No. 167. The United States vs. Effie Hoke & Basile Economides. Bill of Exceptions No. 17. Filed May 23, 1911. J. R. Blades, Clerk.

BILL OF EXCEPTIONS No. 18.

Filed May 23, 1911.

In the District Court of the United States for the Eastern District of Texas, at Beaumont.

United States
versus
Effie Hoke and
Basile Economides. Cr. No. 167.

Be it remembered that after the evidence had closed and before the Court had charged the jury in the above case, the defendants, Effie Hoke and Basile Economides, through their attorneys, presented the following requested special charge No., to-wit:

“Now come the defendants in the above entitled and numbered cause, and move the Court to instruct the jury

herein to find a verdict of not guilty for the following reasons, to-wit:

“1st: Because the evidence offered fails to show that the three girls which it is alleged in the indictment were caused to go and be carried and transported as passengers upon the line and route of a common carrier engaged in interstate commerce, were carried and transported over the line of the Texas and New Orleans Railroad Company, as is alleged in the said indictment.

“2nd: Because the proof offered fails to show that the line of railroad of the Texas and New Orleans Railroad, and the line of railroad over which it is alleged in the indictment the said three girls were caused to be carried and transported as passengers from the city of New Orleans in the State of Louisiana to the city of Beaumont, in the State of Texas, extends from the said city of New Orleans in the State of Louisiana to the city of Beaumont in the State of Texas.”

Which charge the Court refused and the defendant then and there excepted to such ruling of the Court, and now here present their Bill of Exception thereto, and pray that the same be approved and ordered incorporated in the record herein, which is accordingly done this the 23 day of May, A. D., 1911, with the attached explanation and qualification.

GORDON RUSSELL,
Judge Presiding.

Refused. The allegation of the indictment being in the following words, to-wit:

“To go and to be carried and transported as a passenger upon the line and route of a common carrier engaged in interstate commerce between the City of New Orleans in the State of Louisiana, and the City of Beaumont in the State of Texas, to-wit: Over the line of the Texas and New Orleans Railroad Company. which line of railroad is a part of the Southern Pacific Railway System, and is commonly known as the “Sunset Route,” any other name of a more particular description of said common carrier is to the Grand Jurors unknown, and can not here be given.”

The testimony on this subject being as follows:

Annette Hays testified: "We took the train at the Union Station in New Orleans. I do not know the name of the road. Theresa Flood bought the tickets. We got on the train at New Orleans about 8:30 and arrived at Beaumont about 8:00 the next morning. We stayed in the same coach on the train from the time we left New Orleans until the time we arrived at Beaumont." (See page 10, Bill of Exception No. 2).

Florence Hays testified: "Theresa Flood bought the tickets at the Union Station at New Orleans. We left New Orleans about 9:15 and stayed on the same car all the way to Beaumont, Texas." (See page 67, Bill of Exception No. 2).

Theresa Flood testified: "After we left Miss Pauline Wilson's, we went right to the Union Station in New Orleans. I bought the tickets for myself and the girls from New Orleans to Beaumont, Texas. I bought the tickets from the Southern Pacific road. We got right on the train and came from New Orleans to Beaumont, staying in the same car all the way from New Orleans to Beaumont." (See page 151, Bill of Exception No. 2).

On this phase of the case the Judge in his general charge instructed the jury as follows:

"Now, gentlemen the term 'common carrier engaged in interstate commerce' means simply this: That it is a carrier which transports persons or property for hire between one place in one State and another place in another State, and if you believe the carrier which brought these girls from New Orleans, Louisiana, to Beaumont, Texas, was a carrier which transported persons or property for hire, then the court informs you, as a matter of law, that it would be a common carrier engaged in interstate commerce."

The foregoing has the following endorsements, to-wit:

Cr. No. 167. The United States vs. Effie Hoke & Basile Economides. Bill of Exceptions No. 13. Filed May 23, 1911. J. R. Blades, Clerk.

BILL OF EXCEPTIONS No. 19.

Filed May 23, 1911.

In the District Court of the United States for the Eastern District of Texas, at Beaumont.

United States.

versus

Cr. No. 167.

Effie Hoke and

Basile Economides.

Be it remembered that after the evidence had closed and before the Court had charged the jury in the above case, the defendant, Effie Hoke, through her attorneys, presented the following requested special charge No., to-wit:

“Gentlemen of the Jury:

“I charge you in this case the witness Theresa Flood is an accomplice to the defendant, Effie Hoke, and you cannot convict upon her testimony unless you believe it to be true, and then you cannot convict unless you believe that it is corroborated, and the corroboration is not sufficient if it merely shows the commission of the offense, but it must go further and connect or tend to connect defendant Effie Hoke with its commission.”

Which charge the Court refused and the defendant then and there excepted to such ruling of the Court, and now here presents her Bill of Exception thereto, and prays that the same be approved and ordered incorporated in the record herein, which is accordingly done this the 23 day of May, A. D., 1911.

GORDON RUSSELL,

Judge Presiding.

The foregoing has the following endorsements, to-wit:

Cr. No. 167. The United States vs. Effie Hoke & Basile Economides. Bill of Exceptions No. 19. Filed May 23, 1911. J. R. Blades, Clerk.

BILL OF EXCEPTIONS No. 20.

Filed May 23, 1911.

In the District Court of the United States for the Eastern District of Texas, at Beaumont.

United States

versus

Cr. No. 167.

Effie Hoke and

Basile Economides.

Be it remembered that after the evidence had closed and before the Court had charged the jury in the above case, the defendant, Basile Economides, through his attorneys, presented the following requested special charge No. Two, to-wit:

“Gentlemen of the Jury:

“If you believe from the evidence that the defendant Basile Economides did make an appointment with the girls named in the indictment or either of them to meet the defendant Effie Hoke and that they did meet her through his appointment and if you believe that after so meeting her he did advise them to come with her to Beaumont, Texas, but used no other means of persuading them to come and that he did no act toward furnishing them transportation from New Orleans to Beaumont, Texas, that then you should acquit the defendant, Economides.”

Which charge the Court refused and the defendant then and there excepted to such ruling of the Court, and now here presents his Bill of Exception thereto, and prays that the same be approved and ordered incorporated in the record herein, which is accordingly done this the 23 day of May, A. D., 1911, with the statement that this point was thoroughly presented in the general charge.

GORDON RUSSELL,
Judge Presiding.

The foregoing has the following endorsements, to-wit:
Cr. No. 167. The United States vs. Effie Hoke & Basile Economides. Bill of Exceptions No. 20. Filed May 23, 1911. J. R. Blades, Clerk.

BILL OF EXCEPTIONS No. 21.

Filed May 23, 1911.

In the District Court of the United States for the Eastern District of Texas, at Beaumont.

United States

versus

Cr. No. 167.

Effie Hoke and

Basile Economides.

Be it remembered that after the evidence had closed and before the Court had charged the jury in the above case, the defendants, Effie Hoke and Basile Economides, through their attorneys, presented the following requested special charge No....., to-wit:

“Gentlemen of the Jury:

“If you believe that the defendants or either of them furnished a ticket or tickets or the means to procure the same for said girls from New Orleans to Beaumont, and although the defendants knew that the purpose of said girls in coming to Beaumont was an immoral one, yet if you believe that said girls came to Beaumont of their own will, and not by means of being persuaded, enticed, induced, or coerced against their wills, you will acquit the defendants.”

Which charge the Court refused and the defendants then and there excepted to such ruling of the Court, and now here present their Bill of Exception thereto, and pray that the same be approved and ordered incorporated in the record herein, which is accordingly done this the 23 day of May, A. D., 1911. The point was fully covered in the general charge.

GORDON RUSSELL,
Judge Presiding.

The foregoing has the following endorsements, to-wit:
Cr. No. 167. The United States vs. Effie Hoke & Basile Economides. Bill of Exception No. 21. Filed May 23, 1911. J. R. Blades, Clerk.

BILL OF EXCEPTIONS No. 22.

Filed May 23, 1911.

In the District Court of the United States for the Eastern District of Texas, at Beaumont.

United States

versus

Cr. No. 167.

Effie Hoke and

Basile Economides.

Be it remembered that after the evidence had closed and before the Court had charged the jury in the above case, the defendants, Effie Hoke and Basile Economides, through their attorneys, presented the following requested special charge No., to-wit:

“Gentlemen of the Jury:

“If you believe that the three girls or either of them came to Beaumont for an immoral purpose, but that they did so of their own will, and in obedience to their own desires, you must acquit the defendants.”

Which charge the Court refused and the defendants then and there excepted to such ruling of the Court, and now here present their Bill of Exception thereto, and pray that the same be approved and ordered incorporated in the record herein, which is accordingly done this the 23 day of May, A. D., 1911. Allowed with the explanation and qualification attached hereto.

GORDON RUSSELL,
Judge Presiding.

On the subject covered by the above special charge requested by the defendants, the court in his general charge to the jury instructed them as follows:

"In this connection, the court further tells you that if you believe from the evidence that the girls came to Beaumont because of their own will and desire to do so, and not on account of being persuaded, induced or enticed to come, then, in such case, neither of the defendants would be guilty under any of the counts in the bill of indictment. But the court tells you, in this connection, that it was not necessary that they should have been forced or coerced to come in order to render the defendants guilty under this bill of indictment. If their consent to come was secured by the defendants either persuading, inducing or enticing them to come, that would be sufficient under the law, even though they may have thereafter willingly come. It is for the jury to determine from all the facts whether the three girls named in the bill of indictment came from New Orleans to Beaumont of their own free will, and in obedience to their own wishes, or whether they were persuaded, induced or enticed to come by the defendants. If they came of their own free will and accord, without being persuaded, induced or enticed to come, then neither of the defendants would be guilty. But, though they came voluntarily, if their volition was obtained by the persuasion, inducement or enticement described in the bill of indictment, then the defendants would be guilty."

The foregoing has the following endorsements, to-wit:

Cr. No. 167. The United States vs. Effie Hoke & Basile Economides. Bill of Exception No. 22. Filed May 23, 1911. J. R. Blades, Clerk.

BILL OF EXCEPTIONS No. 23.

Filed May 23, 1911.

In the District Court of the United States for the Eastern District of Texas, at Beaumont.

United States	
versus	Cr. No. 167.
Effie Hoke and	
Basile Economides.	

Be it remembered that after the evidence had been closed and before the argument began on the trial of this

case the defendants filed and presented to the Court their joint motion to instruct a verdict of acquittal herein as follows, to-wit:

“In the District Court of the United States for the Eastern District of Texas.

“United States

versus

Cr. No. 167.

Effie Hoke and

Basile Economides.

“Now come the defendants and move the court to instruct a verdict of acquittal for the defendants on the following grounds:

“*First.*

“Because under the so-called White Slave Act of June 25th 1910, no offense against the law is charged in that the Act does not define the words ‘prostitution,’ ‘debauchery,’ or ‘other immoral purpose’ which constitute the gravamen of the alleged criminal acts, in that the word ‘prostitution’ is broad enough to cover every act of lewdness or sexual dissoluteness on the part of either man or woman, and the word ‘debauchery’ is equally as broad in its significance, whereas the words ‘or other immoral purpose’ are broad enough to embrace any transgression of law, moral, divine or statutory, and thereby and therein the indictments in these cases are insufficient for the Court to predicate its charge to the jury upon or to impart to these defendants notice of any specific act of ‘prostitution,’ ‘debauchery,’ or ‘or other immoral purpose,’ they are charged with the intention of having the alleged females to commit.

“*Second.*

“Because the Act is unconstitutional on the grounds set forth in the motions to quash the indictments.

“*Third.*

“Because the indictments are insufficient to charge any offense as set forth in the demurrers thereto.

“*Fourth.*

“Because the title of the Act in being named ‘The White Slave Act’ is misleading and tends to entrap citi-

zens into a misapprehension of its terms in this: (1) Because 'prostitution,' 'debauchery,' or 'other immoral purpose' within themselves do not constitute any act or fact of slavery; (2) Because the Act is in its terms broad enough to embrace all women of all races.

GREER & NALL,
T. H. BOWERS, AND
CHANDLER C. LUZENBERG,
Attorneys for Defendant,
Basile Economides.

BLAIN & HOWTH,
Attorneys for Defendant,
Effie Hoke.

"Indorsements. Cr. No. 167. United States vs. Effie Hoke and Basile Economides. Defendants' joint motion to instruct a verdict of acquittal. Filed April 10, 1911. J. R. Blades, Clerk."

And the Court after hearing said motion and the argument of counsel thereon because it was and is the opinion of the court that said motion was not well taken the court overruled and refused the same. To which ruling of the Court the defendants in open court duly excepted and now here in open court present this their bill of exceptions to such ruling of the Court and pray that the same be approved, filed, and ordered incorporated in the record herein.

GREER & NALL,
BLAIN & HOWTH,
Attorneys for the Defendants.

Presented in open court and duly approved and ordered filed and incorporated in the record herein this the 23rd day of April, A. D. 1911.

GORDON RUSSELL,
Judge Presiding.

The foregoing has the following endorsements, to-wit:
Cr. No. 167. The United States vs. Effie Hoke & Basile Economides. Bill of Exceptions No. 23. Filed May 23, 1911. J. R. Blades, Clerk.

BILL OF EXCEPTIONS No. 24.

Filed May 23, 1911.

In the District Court of the United States for the Eastern District of Texas, at Beaumont.

United States

versus

Cr. No. 167.

Effie Hoke and

Basile Economides.

Be it remembered that after the evidence had closed and before the Court had charged the Jury in the above case and before the arguments began, the defendant, Effie Hoke, through her attorneys, presented the following requested special charge No....., to-wit:

“Gentlemen of the Jury:

“All the testimony introduced by the Government in this case for the purpose of showing, or tending to show that subsequent to the arrival of the three girls in question in the city of Beaumont that Effie Hoke did, for the purpose of detaining them in her house, purchase clothing and other articles not needed or desired by them, and thereby kept them in her debt, is hereby withdrawn from you and you will not consider said testimony or any part thereof for any purpose whatever.”

Which charge the Court refused to give in its main charge, or as requested by defendant, Effie Hoke, and the defendant then and there excepted to such action and ruling of the court, in refusing to give such special charge and in failing to embody in its main charge the matter therein suggested, it having been testified by the witnesses, Gertrude, Annette and Florence Baden, alias Hays, in substance and effect that after their arrival in Beaumont, Texas, that as fast as they got out of debt to Effie Hoke she would buy clothing and other articles not needed or desired by them and charged the same to them, for the purpose of keeping them in debt, and detaining them in her place, and now here presents her Bill of Ex-

ception thereto, and prays that the same be approved and ordered incorporated in the record herein, which is accordingly done this the 23 day of May, A. D., 1911, with the explanation attached hereto.

GORDON RUSSELL,
Judge Presiding.

On the subject covered by the above special charge requested by the defendants, the court in his general charge to the jury instructed them as follows:

“During the progress of this trial the Government has been permitted to show certain acts and declarations made by the defendant, Effie Hoke, some of them outside, the presence of the defendant, Economides, and therefore, it becomes necessary for the court to inform you as to the legal effect of those acts and declarations of the defendant, Effie Hoke, insofar as the defendant, Basile Economides is concerned; and the court, therefore, tells you, in this connection, that the acts and declarations of the defendant, Effie Hoke, outside of the presence and hearing of the defendant, Basile Economides, must be considered by the jury only against the defendant, Effie Hoke, and they will not be evidence against the defendant, Basile Economides, unless the jury finds beyond a reasonable doubt from the evidence that there was an agreement or common purpose between the two defendants to commit the offense charged in the bill of indictment. But if you believe from the evidence beyond a reasonable doubt that there was an agreement or common understanding between the two defendants to commit the offense charged in the bill of indictment, then I inform you, as a matter of law, that the act of one becomes the act of both when done in pursuance of the common design. In such case it is the act of the person who did it by perpetration and becomes the act of the other by adoption, provided the jury believes that there was a common purpose and design to commit the offense.

“In this connection, I further charge you that any act or declaration of the defendant, Effie Hoke, made after the girls Annette, Florence and Gertrude left the City of New Orleans would not be evidence against the defend-

ant, Basile Economides, but the jury may consider it as evidence against the defendant, Effie Hoke. In other words, if you believe there was a design and conspiracy between the two defendants to commit the offense charged, then the act of one becomes the act of the other when performed in pursuance of the common design, but it must have been done during the conspiracy. After the conspiracy, if you believe there was such, has terminated, then the act is only evidence against the one who does it, and is not evidence against the other."

The foregoing has the following endorsements, to-wit:

Cr. No. 167. The United States vs. Effie Hoke & Basile Economides. Bill of Exceptions No. 24. Filed May 23, 1911. J. R. Blades, Clerk.

BILL OF EXCEPTIONS No. 25.

Filed May 23, 1911.

In the District Court of the United States for the Eastern District of Texas, at Beaumont.

United States.

versus

Cr. No. 167.

Effie Hoke and

Basile Economides.

Be it remembered that after the evidence had closed and before the Court had charged the jury in the above case, the defendants, Effie Hoke and Basile Economides, through their attorneys, presented the following requested special charge, No., to-wit:

"Gentlemen of the Jury:

"You are instructed to acquit the defendants on the following grounds, to-wit: Because the Act under which they are being prosecuted is unconstitutional and void.

FIRST.

"Because it interferes with the privileges and immunities of the citizens of the several States in this: That the right to travel interstate is a lawful right, which the act does not forbid, and any other citizen has the right

to aid and assist the one making the journey, regardless of the moral or immoral intention of either.

SECOND.

“Because the Act does not make prostitution a crime, nor the interstate travel of a prostitute a crime, nor her intention to become a prostitute at the end of her journey a crime, and therefore the motive or intent of another, the defendants in this case, in aiding her to make such interstate journey, does not come within the constitutional grant to Congress to regulate commerce between the States, etc.”

Which charge the Court refused and the defendants then and there excepted to such ruling of the Court, and now here present their Bill of Exceptions thereto, and pray the same be approved and ordered incorporated in the record herein, which is accordingly done this the 23rd day of May, A. D. 1911.

GORDON RUSSELL,

Judge Presiding.

The foregoing has the following endorsements, to-wit.

Cr. No. 167. The United States vs. Effie Hoke & Basile Economides. Bill of Exceptions No. 25. Filed May 23, 1911. J. R. Blades, Clerk.

ASSIGNMENT OF ERRORS.

Filed May 23, 1911.

In the District Court of the United States for the Eastern District of Texas, Sitting at Beaumont.

United States

versus

No. 167.

Effie Hoke and

Basile Economides.

And now on the day of May, 1911, come Basile Economides and Effie Hoke, the said Basile Economides by his attorneys Hal W. Greer and C. C. Luzenberg and

T. H. Bowers, and the defendant Effie Hoke by her attorneys C. W. Howth and W. B. Blain, and they first say jointly that the sentence and judgment of the court in this cause is erroneous and against the just rights of the said defendants for the following reasons, which are assigned as errors, to-wit:

First.

Because the court erred in overruling and refusing the motions to quash the indictment herein on the constitutional grounds therein urged, to-wit:

1. Because the act of Congress of June 25th, 1910, commonly designated and known as the "White Slave Act" under which this indictment is drawn is in express violation of the Constitution of the United States, Art. IV, Sec. 2, in this: That one of the "privileges" of a citizen of a State is to travel into other States, and the "immunity" of protection from arrest in so doing, regardless of the intent or purpose of the traveller to give herself up to "debauchery" or "prostitution" or "for any other immoral purpose" after completing her journey; and another "privilege or immunity" of a citizen is to aid or assist her in obtaining such transportation regardless of her purpose, intent or object; and regardless of his purpose, intent or object in so aiding her, or the pursuit of any occupation, whether moral or immoral, she may have upon the completion of her journey, and regardless of the purpose of the person aiding or assisting her in obtaining such transportation.

2. Because among the powers reserved to the States individually is that of forbidding, regulating, or controlling prostitution or the debauchery of their female citizens, and of prescribing any rule or rules governing the morals or immoralities of their female citizens, and the Congress of the United States cannot constitutionally aid, regulate or interfere with any of the powers so reserved to the States individually, by thus indirectly

denouncing as a felony the acts of aiding and assisting one citizen by another, to travel interstate with the purpose, object or intention that the citizens so travelling at the end of the journey should engage in prostitution, or debauchery, or other immoral practice.

3. Because the enumerated constitutional power granted to Congress and conferred by the United States Constitution, Art. 1, Sec. 8, subdivision 2, "to regulate commerce * * * among the several States," does not embrace or include the power to regulate the acts after reaching her destination of any citizen who has travelled interstate, in that in any case as soon as the interstate carriage is completed the power to control the passenger ceases as a matter of "commerce among the States."

4. Because Congress under its delegated power "to regulate commerce," * * * "among the States," has no power to make the intention or purpose of an interstate traveller, nor of any person aiding or assisting her to procure the transportation upon reaching his or her destination a condition precedent to his right to such interstate transportation, where no treason against the general government or some individual state, is alleged in the indictment.

Second.

The court erred in overruling and refusing the demurrers of the defendants to the indictment herein, for the following reasons, to-wit, as shown by said demurrers:

1. Because the matters and things set out and charged against them in each and every count thereof, do not constitute an offense against the laws of the United States.

2. Because the matters and things in each and every count of said indictment against them, as charged and

set out, do not constitute an offense cognizable in this Honorable Court, in that said matters and things do not come within its powers and jurisdiction.

3. That it is not alleged and charged in the first count of said indictment that the said Basile Economides and Effie Hoke did thereby knowingly cause or aid, or assist in causing the said Annette Baden alias Annette Hays to go and be carried or transported as a passenger upon the line or route of any common carrier or carriers in interstate commerce.

4. That it is not alleged or charged in the second count of said indictment that the said Basile Economides and Effie Hoke, or either of them, did thereby knowingly cause or aid, or assist in causing the said Florence Baden alias Florence Hays, to go and be carried or transported as a passenger upon the line or route of any common carrier or carriers in interstate commerce.

5. That it is not alleged or charged in the third count of said indictment that said Basile Economides or the said Effie Hoke did, in furtherance of said purpose knowingly induce or cause the said Gertrude Baden, alias Gertrude Hays, a girl under the age of 18 years, to go and be carried or transported as a passenger in interstate commerce.

6. That the allegations in said indictment in each and every count thereof, are so vague, general and uncertain as to afford no proper notice to the said defendants to plead and prepare their defense herein.

Third.

The court erred in refusing to instruct a verdict of acquittal for the defendants, on the following grounds:

1. Because under the so-called White Slave Act of June 25th, 1910, no offense against the law is charged in that the act does not define the words "prostitution," "debauchery," or "or other immoral purpose," which

constitute the gravamen of the alleged criminal acts, in that the word "prostitution" is broad enough to cover every act of lewdness or sexual dissoluteness on the part of either men or women, and the word "debauchery" is equally as broad in its significance, whereas the words "or other immoral purpose" are broad enough to embrace any transgression of law, moral, divine, or statutory, and thereby and therein the indictments in these cases are insufficient for the court to predicate its charge to the jury upon, or to impart to these defendants notice of any specific act of prostitution, debauchery, or other immoral purpose they are charged with the intention of having the alleged females to commit.

2. Because the Act is unconstitutional on the grounds set forth in the preceding assignments of error.

3. Because the indictments are insufficient to charge any offense as set forth in the demurrers and previous assignments of error hereinabove set forth.

4. Because the title of the Act, in being named "The White Slave Act" is misleading, and tends to entrap citizens into a misapprehension of its terms, in this: (1) Because prostitution, debauchery, or other immoral purpose within themselves do not constitute any act or fact of slavery; (2) Because the act in its terms is broad enough to embrace all women of all races, and therein and thereby tends to inflame and create prejudice against the defendants, when applied to the facts in this case.

5. Because sexual vice or immorality, in every instance, is a matter of individual volition, and does not, within itself, constitute an act of slavery.

6. Because the act not undertaking by either its express or implied terms, to punish a prostitute, or one intending to engage in prostitution, for traveling interstate, it cannot punish one for aiding or assisting an-

other to do that which is not unlawful for such other person to do.

7. Because the actual fact of the inter-state journey is not a crime within itself, nor do any of its facts embrace the prohibition against another that would come within any rule of interstate carriage in aiding or assisting one so travelling inter-state.

8. Because the so-called White Slave Act does not forbid any woman or girl to travel from one State to another for the purpose of engaging in prostitution, or other immoral purpose, at the end of her journey, therefore, under the Constitution of the United States congress has no power to make a crime of one aiding or assisting or persuading her to take such lawful journey.

9. Because it cannot be made a crime for one to assist another to do that which such other has the lawful right to do.

10. Because the government failed and omitted to prove that the females, viz: Annette Baden, Florence Baden and Gertrude Baden, alias Hays, or either of them were transported over the line of the Texas and New Orleans Railroad Co. as charged in the indictment; and in that the government failed to prove that the Texas and New Orleans R. R. Co. was a line of railway extending from New Orleans in the State of Louisiana into the State of Texas; and further in that the court will take judicial knowledge of the fact that the Texas and New Orleans Railroad Company is chartered as such under the laws of the State of Texas, having its termini wholly within the State of Texas, to-wit: the city of Houston, Texas, on the west and the city of Orange, Texas, on the east.

11. Because the evidence introduced by the government does not show that the defendants or either of them persuaded, induced, coerced, enticed or assisted in aid-

ing, persuading, inducting, enticing or coercing the witness Gertrude Baden alias Gertrude Hays to go and become a passenger in interstate commerce from the city of New Orleans, La., to Beaumont, Texas, for the purpose of prostitution, or any other purpose (a) because it affirmatively appears from the testimony of Gertrude Baden, alias Hays, herself, that she came to Texas because her sisters were coming, and that she was following in the footsteps of her sisters, (b) and for the reasons herein set out the court erred in failing and refusing to instruct a verdict of not guilty so far as the count in the indictment charging them with persuading Gertrude Baden alias Hays to come to Texas for such immoral purpose is concerned.

12. Because the evidence introduced by the Government does not negative the fact that the said Baden girls would or might not have taken said interstate journey for said purpose but for said alleged aid or persuasion, because even if the defendants did aid or persuade them, yet if the idea originated with said witnesses or they came of their own free will, although they might also have been aided, these defendants would not have been guilty, and the evidence does not show they would not have taken such interstate journey but for such persuasion or aid.

Fourth.

1. Because the court erred in failing and refusing to instruct a verdict of not guilty as to the defendant Economides, because the proof does not show that he rendered any actual aid or assistance in the transportation of either of the girls named in the indictment.

2. Because under the terms of the law the mere persuasion or prevailing upon the said women named in the indictment to travel interstate with the intention on his part that they should at the end of their journey engage in prostitution or debauchery, or other immoral purpose,

not accompanied by any act of aid or assistance otherwise constitutes no offense on the part of Economides under the reading and provisions of the Act.

3. Because it is not shown by the testimony that Economides had any knowledge of the kind of place to which the women named in the indictment were traveling, nor that he had any interest in the place or the occupation of prostitution in Beaumont.

4. Because beyond the mere fact that Effie Hoke and the women named in the indictment met in his wine room, there was and is no evidence that Economides did any overt act to aid or assist them in their interstate journey, and under the terms of the Act under which this indictment was drawn such facts are insufficient in themselves to amount to an infraction thereof.

Fifth

The court erred in refusing the special charge requested by the defendants, which reads substantially as follows, to-wit:

1. "The court in the indictment in which it is charged that the defendants induced Gertrude Hays (Baden), or furnished transportation for her to come to Beaumont is hereby withdrawn from your consideration, it appearing from Gertrude Baden alias Hays' own evidence that she came to Beaumont not by reason of any persuasion on the part of either of these defendants."

2. Because the testimony of the said Gertrude Baden shows that if she was persuaded to come to Beaumont, that the persuasion was on the part of her sister.

Sixth.

The court erred in permitting Florence Baden alias Hays, one of the persons defendants are charged with having persuaded to take an interstate journey from New Orleans, La., to Beaumont, Texas, for an immoral

purpose, to testify as a witness for the United States, over the objection of the defendants, as follows, to-wit:

1. "I stayed in Effie Hoke's house in Beaumont about two weeks after I arrived in Beaumont. I left her house one morning about 5 o'clock. I wanted to leave and Miss Effie had said if we tried to get out she would kill us, so I got out that mornin' while she was asleep. We wanted to go to Houston but did not get our clothes, so we could not go. We went down to some hotel here (meaning Beaumont), started to go, and a policeman would not let us go. A fellow named Teddy arrested us. He took us to the hotel and then down to the jail at the court house. That all occurred right after we left as soon as we got upon the main street; it occurred about half an hour after we left. The man who arrested us was a policeman—he had a uniform on—there were two policemen that arrested us, one was called Teddy, I don't know the other one's name. Then we stayed down at the jail about an hour. When we got out of jail we went to the depot; then we tried to get our things and did not get them, and then we went to the Jefferson hotel and we were arrested again by two policemen whose names I do not know."

2. And in this connection the court also erred in permitting Gertrude Baden alias Hays, another one of the persons defendants are charged with having persuaded to take said journey for such purpose, to testify over the objection of the defendant as follows, to-wit:

3. "After we arrived in Beaumont, and when we would get out of debt to Effie Hoke she would buy clothes and say that we owed her that much more, and then she would tell us we would have to stay there (meaning at her house) until we paid her, and I had to follow the life of a common prostitute because I could not do otherwise."

4. And in this connection the court also erred in permitting Annette Baden alias Hays, another one of the persons defendants are charged with having persuaded to take said journey for said purpose, to testify as a witness for the United States over the objection of the defendants as follows, to-wit:

5. "After we arrived in Beaumont we stayed with Effie Hoke a week and a half and could not get out of debt. Peddlers would come along and she would buy us things, and we got in debt more and more and we never could get out of debt, so one morning we decided to pick up our clothes and go away. We packed up our clothes and one of my sisters got out in the morning and Gertrude did not get out. Ouida Landry and Florence got out. They left the house about 5 o'clock and Paul came back for us, the balance of us, and Effie Hoke woke up, and Effie said to him 'You have taken Florence and Ouida, and now you have come for Annette and Gertrude' and she 'phoned for an officer and had him arrested, so the officer came and took Paul away. Effie came into my room and taken my clothes and Gertrude's, and put them in a vacant room and locked them up. Effie Hoke told us she would keep our clothes until we paid her what we owed her. That afternoon Florence and Ouida got out: she would not give me my hat or coat or anything, so I borrowed the maid's coat and went to the postoffice, and there I met Florence and Ouida, and was talking to them and was on my way to Effie's to stay with Gertrude, and an officer came up and said Miss Effie has got all three of you up for vagrancy, and he said you are under arrest. I 'phoned her (meaning Miss Effie Hoke) and asked her if it was so, that the marshal said I was under arrest, and that she had all three of us up for vagrancy and she said yes."

6. Because such testimony was and is immaterial, incompetent and irrelevant to any issue in the case, beyond the mere fact that after the Baden girls arrived in Beaumont they followed the business of prostitution, which these defendants admitted and offered to admit, and to the proof of which they did not object.

7. Because said testimony, going further and beyond establishing the mere fact that they followed the business of prostitution after arrival in Beaumont, and proving, as in fact it does prove, that defendant Effie Hoke enslaved them to a life of shame and degradation in a house of public prostitution in the city of Beaumont against their wills, is not only irrelevant and immaterial

to any issue in this case, but is highly prejudicial to the rights of these defendants, and was and is a gratuitous invasion of such rights, and was and is calculated to, and in the light of the verdict did arouse the passions of the jury against these defendants, and was and is calculated to cause the jury, and in the light of the verdict did cause the jury to convict these defendants on the charge of persuading said girls to leave New Orleans and go to Beaumont for an immoral purpose, more for the reason that the defendant, Effie Hoke, enslaved them in a house of prostitution in Beaumont against their wills, than for persuading them to leave New Orleans and take an interstate journey to Texas.

8. Because said testimony is hearsay, especially as to the defendant Economides, who was in New Orleans at the time of the transaction spoken of.

9. Because said testimony is a recital by the witnesses of what took place after the complete commission of the offense with which the defendants are charged.

10. Because said testimony, if it constitutes any offense, is one against the laws of Texas and not against the laws of the United States.

11. Because the allegations in the indictments do not put the defendants upon notice that such testimony as herein set out and objected to would be offered against them, and affords them no opportunity to rebut it.

12. Because proof of the matters herein set out occurring after the arrival of the witnesses in Beaumont, beyond the mere fact that they followed the business of prostitution, was and is not necessary to sustain the Government's case as charged in the indictment, and the only purpose which it could or did serve was to arouse the passions of the jury against the defendants, and to so blind them with prejudice against them that they the jury could not, and in the light of the verdict did not

give them a fair and impartial trial upon the specific charge laid in the indictment.

Seventh.

The court erred in refusing to permit the defendants to ask and the witness Florence Baden, alias Hays, to answer the following question:

1. "Q. Is it not a fact that when you arrived in Beaumont you were treated by a Beaumont physician for a venereal disease which you had contracted in New Orleans?"

2. Said witness at the time being a witness for the government, and was then and there being cross examined by defendants, and in this connection the court further erred in refusing to permit the defendants to prove by Dr. J. H. Reagan, a practicing physician in Beaumont, that in the month of November, 1910, and within a day or so after the arrival of the witness Florence Baden in Beaumont, she being one of the persons defendants are charged with having persuaded to take the interstate journey referred to in the bill of indictment in this case, he treated the said Florence Baden for a venereal disease which she had contracted in New Orleans.

3. Because said testimony offered by the defendants was material and relevant in this: If the witness Florence Baden had denied that she had contracted a venereal disease in New Orleans for which she was treated after her arrival in Beaumont, the defendants could and would have contradicted her by Dr. Reagan, or if she had admitted it, it would have been a circumstance tending to establish the fact that she was a common prostitute in the city of New Orleans, which she had denied, a fact from which the jury could and would have concluded that she came to Beaumont by reason of her own free will and desire, and not because of any persuasion, and this is especially true because it was established by the evidence in this case beyond dispute that the earning

power and the compensation of public prostitutes in Beaumont was much greater than in New Orleans.

Eighth.

The court erred in refusing to permit the witness Annette Baden a witness offered on behalf of the United States, one of the persons defendants are charged with having persuaded to take the interstate journey described in the indictment, while upon cross examination by the defendants to answer the following question:

1. "I will ask you if it is not a fact that you and Ouida Landry in the city of New Orleans, prior to coming to Beaumont, were not engaged in the business of soliciting the patronage of men for the purpose of prostitution, and is it not a fact that you followed that vocation around the passenger depots, and on the street?" And in this connection the court further erred in refusing to permit the defendants to prove by the witness W. A. Whitney, a former resident of New Orleans, that prior to November, 1910, he knew from his own knowledge and the general reputation of Annette Baden and Ouida Landry that they were common prostitutes, and that they frequented the passenger depots and solicited men to acts of illicit intercourse in said city of New Orleans.

2. Because said testimony would have proved or tended to prove that Annette Baden was a public prostitute in New Orleans before she came to Beaumont, a fact from which the jury could have inferred and would have been warranted in deducing the further fact that she was not persuaded or coerced to come to Beaumont for an immoral purpose, but that she did so of her own free will.

Ninth.

The court erred in refusing to permit the witness Ouida Landry, a witness for the United States, on her cross examination by defendants, to answer questions

propounded by the defendants calculated to elicit from her the fact that prior to coming to Beaumont she was engaged in the business of a common prostitute, and had been so engaged for several years in the city of New Orleans; that in said city she was a street walker; that she was an inmate of a house of prostitution kept by one Pauline Wilson, and one kept by a woman named Anna, and one kept by May Derby; and in this connection the court further erred in refusing to permit the defendants to prove by Pauline Wilson that Ouida Landry was an inmate of a house of prostitution which she, the said Pauline Wilson kept in the city of New Orleans, prior to November, 1910; said testimony was admissible, relevant and material in this, that while the witnesses Florence, Gertrude and Annette Baden denied that they were public prostitutes in New Orleans, they admitted that they were the friends and associates of the said Ouida Landry in said city prior to coming to Beaumont; that Ouida Landry came to Beaumont shortly before they did, and that before coming to Beaumont they knew that Ouida Landry was in the city of Beaumont—facts from which the jury could and would have been authorized to conclude that the said Baden girls were also prostitutes in New Orleans prior to coming to Beaumont, a fact from which they could have drawn the further conclusion that they came of their own free will and were not persuaded or coerced to come.

Tenth.

The court erred in refusing to give defendants special charge to the jury to the following effect:

“As the Act under which this indictment is drawn does not prohibit or forbid any woman or girl to travel from one State into another for the purpose of there engaging in prostitution or debauchery or other immoral purpose, her acts in so travelling is lawful, regardless of her intention, and under the Constitution of the United States Congress cannot make a crime of one aiding, or assisting or persuading or prevailing on her to take such

journey for the purpose of having her engage in prostitution or debauchery or other immoral purpose, you will therefore acquit the defendants," in that

(1) The Act in question does not prohibit or forbid, or define as a crime prostitution, debauchery or other immoral purpose on the part of the female so travelling or intending to travel.

(2) Nor does the act make it a crime for such women as prostitutes or being guilty of debauchery or other immoral practices, to travel upon interstate journeys.

(3) Nor does the said act make it a crime for such woman or girl at the end of her journey to engage in the practice of prostitution, debauchery or other immoral purposes, and thereby and therein her acts being lawful in so far as the United States government is concerned in the respects named, Congress has no power to make it a crime for one to aid, assist or persuade such woman to take such journey. And for the same reasons the court erred in overruling defendants motion to instruct a verdict of acquittal.

Eleventh.

The court erred in refusing to give the special charge requested by defendants, substantially as follows, to-wit:

"You are instructed to acquit the defendants on the following grounds. Because the act under which they are being prosecuted is unconstitutional and void in that,

"1. Because it interferes with the privileges and immunities of the citizens of the several States in this: that the right to travel interstate is a lawful right, which the Act does not forbid, and any other citizen has the right to aid and assist the one making the journey regardless of the moral or immoral intention of either.

"2. Because the Act does not make prostitution a crime, nor the interstate travel of a prostitute a crime, nor her intention to become a prostitute at the end of her journey a crime, and therefore the motive or intent of another, the defendants in this case, in aiding her to

make such interstate journey does not come within the constitutional grants to Congress to regulate commerce between the States," and for the same reason the court further erred in overruling defendants motion to instruct a verdict of acquittal.

Twelfth.

The court erred in overruling and refusing the defendants motion to instruct a verdict of acquittal for the defendants on the ground of variance between the allegations in the indictment and the proof, in this:

1. Because the government failed and omitted to prove that the females, to-wit Annette Baden, Florence Baden and Gertrude Baden or either of them were transported over the line of the Texas & New Orleans Railroad Co., as charged in the indictment, and in that the government failed to prove that the Texas & New Orleans Railroad Co. was a line of railway extending from New Orleans in the State of Louisiana, to the State of Texas, and in rejecting the proof offered by the defendants that the Texas & New Orleans Railroad is a line of railroad wholly within the State of Texas, and is operated by a company chartered by the laws of the State of Texas and is not an interstate corporation, and in this connection the court further erred in refusing to give the special charge asked by the defendants, substantially to the following effect:

2. "Because the evidence offered fails to show that the three girls who it is alleged in the indictment were caused to go and to be carried and transported as passengers, upon the line and route of a common carrier engaged in interstate commerce, were carried and transported over the line of the Texas & New Orleans Railroad as alleged in said indictment."

3. And because the proof offered fails to show that the line of railroad of the Texas & New Orleans Railroad Company, the line of railroad over which it is alleged in the indictment the three girls were caused to be carried

and transported as passengers from New Orleans, La., to Beaumont, Texas, extends from the city of New Orleans, La., to the city of Beaumont, Texas.

Thirteenth.

The court erred in its main charge as given to the jury, which said charge is fully set out in Bill of Exceptions No. 2, and is here referred to and made a part of this assignment, in the following particulars, to-wit:

1. Because it omits to charge that persuasion, etc., must be connected with and followed by actual rendition of aid and assistance.

2. Because it omits to define the difference between mere persuasion and advice as to the females.

3. Because it omits definitions of prostitution, debauchery and other immoralities, and leaves the jury to infer that prostitution as such is necessarily limited to houses of prostitution, whereas prostitution includes all acts of lewdness upon the part of a female.

4. Because it omits to instruct a verdict of not guilty in favor of the defendant Economides, there being no evidence that he rendered actual aid and assistance toward the interstate journey of the females.

5. Because it omits to instruct a verdict of not guilty on the ground that the law under which the indictment was drawn is unconstitutional and void.

6. Because as to the female Gertrude Hays the court omits to charge the jury in express terms that the proof showed that the defendant Economides did not in any way persuade or assist in getting her to come to Beaumont for any purpose whatsoever.

7. Because it omits to charge that after arriving at the house of Effie Hoke in Beaumont, and before becoming inmates thereof they were informed and told the

kind of house it was, and they could have withdrawn and not entered said house, and thereby destroying the incriminating facts as charged under the law and showing no offense committed against the law.

8. Because it fails to state to the jury that when there has been persuasion or inducement it must be accompanied by actual rendition of assistance in travelling.

9. And with reference to that portion of the court's charge defining conspiracy, the court erred in this, that prostitution is not denounced as a crime; that the traveling of prostitutes is not prohibited by the act, and prostitution is not made a crime under the act, and therefore there can be no conspiracy committed in the exercise of a lawful act.

10. Because the court further erred in that part of its charge in which it instructs and permits the jury to consider Florence Baden as the agent of the defendants in persuading Gertrude Baden to come to Beaumont, which said portion of said charge is as follows:

12. "With reference to the third count in the bill of indictment, if the jury find from the evidence that the witness Florence Baden persuaded her sister Gertrude to come to Beaumont, but you believe from the evidence beyond a reasonable doubt that in doing so she acted for the defendants and at their request, then I inform you as a matter of law that the act of Florence Baden in trying to persuade, induce or entice her sister Gertrude to make the interstate journey, would be the act and statement of the defendants, or the one of them who requested her to see and persuade Gertrude, and the defendants or the one of them who made the request, if after being made Florence acted upon it, would be liable and bound by the persuasion, inducement or enticement that Florence offered to Gertrude."

13. Because there is no evidence that Florence Baden acted as the agent of either of these defendants, and because the testimony of Gertrude Baden herself is that she came because she wished to follow in the lead

of her sisters, and therefore she was acting under persuasion of Florence, in her own proper person as a principal and not as the agent of anyone.

14. Because the court erred in that part of its charge in which it undertook to define reasonable doubt, as follows, to-wit:

“I want to say a word on the subject of reasonable doubt. It must not be a fanciful doubt, or such a doubt as originates or arises in a disordered mind, but must be a reasonable doubt, such a doubt as would arise in the mind of a sensible or reasonable man from the evidence or lack of evidence in the case. Where the evidence in the case is of such a character that a sensible and reasonable man would feel justified in acting upon it, in matters of the highest importance and concern to his own interests, then the degree of strength and coherency required by the law has been attained. Where it falls short of this test, the doubt is such a reasonable doubt as would authorize the jury to acquit. That is the kind of doubt the law means, and what the court means in telling you, you would be testified (justified) in acquitting the defendants if you entertain a reasonable doubt. It must be such a doubt as arises from a lack of evidence or from the evidence in the case in the mind of a reasonable man.”

15. Because the court in emphasizing those things which do not constitute reasonable doubt impressed on the minds of the jury that the court was of the opinion that there was no reasonable doubt of defendants guilt, and because the term reasonable doubt is a comprehensive term of ordinary significance, with no special legal definition.

Fourteenth.

Because the court erred in failing and refusing to instruct the jury to acquit the defendants of the charge of having persuaded, induced, coerced and enticed, or assisting or aiding in persuading, inducing, enticing or coercing the witness Gertrude Baden alias Gertrude Hays to go and become a passenger in interstate commerce

from the city of New Orleans, La., to Beaumont, Texas, for the purpose of prostitution, because the evidence, and especially the testimony of the witness Gertrude Baden alias Hays, herself, shows that she came to Texas because her sisters were coming and that she was following the lead of her sisters;

1. And in this connection the court further erred in overruling and refusing the defendants motion to instruct a verdict as to the third count in the indictment, which ground of the motion is as follows, to-wit:

“And the defendants further ask the court to instruct a verdict of not guilty on the third count in the indictment in which it is alleged that they persuaded and assisted in persuading Gertrude Baden alias Gertrude Hays to go in interstate commerce from New Orleans, La., to Beaumont, Texas, for the purpose of prostitution, because it appears from the evidence, and especially the evidence of Gertrude Baden alias Hays that she came to Beaumont by reason of the persuasion and inducement of her sister Florence and because it affirmatively appears from the evidence that the real motive and incentive moving her to come to Texas was a desire to follow the lead and to follow in the footsteps of her sisters.”

2. And in this connection the court further erred in refusing to give the special charge requested by defendants as to said third count in the indictment as follows, to-wit:

“The count in the indictment in which it is charged that the defendants induced Gertrude Hays, or furnished transportation for her to come to Beaumont is hereby withdrawn from your consideration; it appearing from Gertrude Hays' own evidence that she came to Beaumont not by reason of any persuasion on the part of any of these defendants;”

3. And in this connection the court further erred in charging in substance and effect that if the jury believed the witness Gertrude Baden alias Hays came to Texas by reason of the persuasion and influence of her

sister Florence Baden alias Hays, that the jury could still convict the defendants if in that connection they believed Florence Hays was acting as the agent of the defendants or either of them, the error consisting in this; that there is no evidence in the record showing that the said Florence Hays acted as the agent of the defendants or either of them, or had any authority to so act in persuading her to take such interstate journey.

Fifteenth.

1. The court erred in failing and refusing to charge and to give defendant Effie Hoke's specially requested instruction to the effect that

“The witness Theresa Flood is an accomplice to the defendant Effie Hoke, and you cannot convict upon her testimony unless you believe it to be true, and then you cannot convict unless you believe that it is corroborated and the corroboration is not sufficient if it merely shows the commission of the offense, but must go further and connect or tend to connect the defendant Effie Hoke with its commission;”

2. And in this connection, the matter having been called to the attention of the court, by special charge, and the court having refused the same, it erred in its failure to define an accomplice to the jury, and to tell them, in that connection, that if they believed from the evidence that she was an accomplice to the defendant Effie Hoke, that, in that event, they could not convict unless they believe they believed there was such corroboration of her testimony as required by law, the witness Theresa Flood having testified that she carried or went with the three girls to the depot and purchased their tickets with money furnished by Effie Hoke, and accompanied them on their journey interstate, knowing the immoral purpose for which they were making the journey, she thereby gave “aid” and “assistance” in the furtherance and accomplishment of said unlawful act, and was therefore an accomplice, or at any rate the jury should have

been allowed the opportunity of passing upon this phase of the case under appropriate instructions.

Sixteenth.

The court erred in overruling and refusing the motion of defendant Basile Economides to instruct his acquittal on the following grounds to-wit:

(1) That he did not aid or assist in the transportation interstate of either of the women or girls named in the indictment.

(2). That the mere persuasion or prevailing upon the women or girls named in the indictment to travel interstate with the intention on his part that they should at the end of their journey engage in prostitution or debauchery or other immoral purpose not accompanied by any act of aid or assistance otherwise, constituted no offense on the part of Economides under the reading and provisions of the act.

(3). Because it is not shown by the testimony that Economides had any knowledge of the kind of place to which the women or girls named in the indictment were traveling, nor that he had any interest in the place or the occupation of prostitution in Beaumont.

(4). Because beyond the fact that Effie Hoke and the women or girls named in the indictment met in his wine room or place of business, there was and is no evidence that Economides did any act to aid or assist them in their interstate journey; and under the terms of the act under which this indictment is drawn such facts are insufficient in themselves to amount to an infraction thereof.

Seventeenth.

The court erred in refusing to give defendant Economides special charge No. 1, instructing a verdict of acquittal which is in substance as follows:

“There is no proof before you that the defendant Economides rendered any actual aid or assistance in the transportation of Annette Baden alias Hays or Florence Baden alias Hays or Gertrude Baden alias Gertrude Hays in interstate transportation to Beaumont; and under the act under which the indictment is returned in this case, it is necessary and devolves upon the government to prove that he actually rendered such aid and assistance in addition to persuading the said women or girls to go from New Orleans to Beaumont.”

The error being that the court's charge contained no charge or instruction of similar import and said requested charge was demanded under the facts proven in the case.

Eighteenth.

The court erred in refusing to give the special charge No. 2 of defendant Economides, which is in substance as follows, to-wit:

“If you believe from the evidence that defendant Economides did make an appointment with the girls named in the indictment, or either of them to meet the defendant Effie Hoke and that they did meet her through his appointment, and if you believe that after so meeting her, he did advise them to come with her to Beaumont, Texas, but used no other means of persuading them to come, and that he did no act toward furnishing them transportation from New Orleans to Beaumont, Texas, that you should then acquit the defendant Economides,”

The error being that the act under which this indictment is drawn requires the actual rendition of aid or assistance in addition to persuasion or enticement and there was no instruction from the court upon this view of the law and the evidence required that there should be instruction similar to that contained in the foregoing special charge.

Nineteenth.

The court erred in refusing to give to the jury the de-

defendants' special charge in substance and effect as follows:

"All the testimony introduced by the government in this case for the purpose of showing or tending to show that subsequent to the arrival of the three girls in question in the city of Beaumont that Effie Hoke did for the purpose of detaining them in her house, purchase clothing and other articles not needed or desired by them and thereby kept them in her debt is hereby withdrawn from you and you will not consider said testimony or any part thereof for any purpose whatever," because:

(1). The same is incompetent, irrelevant, and immaterial in that it does not constitute any part of the proof of the government's case as charged in the indictment, beyond the mere fact that they practiced prostitution after their arrival in Beaumont which was proved without objection on the part of defendants;

(2). Such testimony was highly prejudicial to these defendants, was calculated to and did inflame the minds of the jury against them, and because of proof of the enslavement of said girls after their arrival in Beaumont, tended and did in fact cause the jury to lean most strongly against them and largely contributed to their conviction;

(3). Such testimony could not in any manner bind defendant Economides, he not having been shown to have been present at such time, or in any manner a party to such enslavement.

In this connection the court further erred in not covering the matter referred to in said special charge as hereinbefore set out in said main charge, especially in view of the fact that said special requested charge called the matter to the court's attention.

Twentieth.

The Court erred in failing and refusing to give the following specially requested instruction for the defend-

ants, and since the matter was called to the court's attention by said specially requested charge, it erred in failing and refusing to embody the matters therein set forth and suggested, in its main charge; said specially requested charge being as follows, to-wit:

1. "You are further instructed that you cannot convict the defendant Economides for keeping a wine room in New Orleans, nor for any act he did, nor for any character of business he may have engaged in; and you are further instructed that you cannot consider such evidence except for the purpose of showing the situation of the parties and shedding light on the specific acts charged in the indictment herein, if in your opinion it does shed light upon the same, in other words, if you do not believe from the evidence beyond a reasonable doubt that defendant Economides did the acts charged in the indictment, then you will acquit the defendant notwithstanding you may disapprove of the business in which he is engaged in the City of New Orleans, and I further instruct you that you will not allow the fact that defendant is the keeper of a wine room frequented by public women or prostitutes to in any way influence you in passing upon the defendants guilt or innocence, except as herein charged.

2. "And I further charge you that you cannot convict the defendant Effie Hoke for keeping a bawdy house in Beaumont, nor can you convict her for attempting to have the girls arrested for taking their clothes away without first paying the debt due to the defendant, nor can you convict defendant Effie Hoke for any act or thing she did or may have done in the City of Beaumont, Texas, and you are further instructed that you cannot consider such evidence, except for the purpose of showing the situation of the parties and shedding light upon the specific act charged in the indictment herein, if in your opinion it does shed light upon the same, in other words, if you do not believe from the evidence beyond a reasonable doubt that defendant Effie Hoke did the acts charged in the indictment then you will acquit the defendant, notwithstanding you may disapprove of the business in which she is or was engaged in Beaumont; and I further instruct you that you will not allow the fact that defendant Effie Hoke was the keeper of a baw-

dy house to in any way influence you in passing upon the defendant's guilt or innocence except as herein charged."

3. Because the court had allowed the United States District Attorney on his direct examination of the alleged injured parties whose names are set forth in the indictment, viz: Florence, Gertrude and Annette Baden, alias Hays, over the objection of defendants to prove that after their arrival in the defendant Effie Hoke's house in Beaumont, she detained and enslaved them in a house of public prostitution and to a life of shame and degradation against their will, which facts not constituting any part of the proof necessary to sustain the government's case as alleged in the indictment, and the same being highly prejudicial and calculated to arouse the passion of the jury against the defendant, and in the light of the verdict did so arouse them, it was the duty of the court to withdraw from the consideration of the jury such evidence, in so far as it was within the power of the court to do so after the court had permitted the same to go before the jury.

Twenty-first.

The Court erred in failing and refusing to give defendants specially requested charges, and in failing and refusing to embody the matters therein set forth in its main charge, in view of the fact that said special charges called the same to the court's attention, said special charges being as follows, to-wit:

1. "Unless you believe from the evidence beyond a reasonable doubt that the defendants knowingly and feloniously persuaded, induced, coerced, or caused to be persuaded, enticed, coerced, or assisted in persuading, inducing, enticing or coercing the said girls or either of them, and unless you further believe from the evidence beyond a reasonable doubt that such persuasion, inducing, enticing or coercing was the cause of their going from New Orleans to Beaumont for immoral purposes, and unless you further believe from the evidence beyond

a reasonable doubt that defendants procured a ticket, or caused the same to be procured, and that the procuring of such ticket and the furnishing of the money therefor was for the purpose of inducing them to go to Beaumont for immoral purposes, then you must acquit the defendant.

2. "If you believe from the evidence that the defendant Effie Hoke persuaded the said girls or either of them to come to Beaumont, and purchased a railroad ticket for them or either of them, or if you believe that she did either of said things, then you will acquit her unless you also further believe that they the girls, came by reason of such persuasion, and in this connection you are also instructed that if they came by reason of their own desire and will to do so then you will acquit them, even if you should also believe that Effie Hoke persuaded them and furnished a ticket, or either persuaded or furnished a ticket.

3. "And if you believe from the evidence that said girls came by reason of their own will, then you will acquit them, even if you should also believe that the defendant Economides persuaded them to come, if you also believe that their coming to Texas was by reason of their own desires to come and not by reason of such persuasion."

4. "If you believe the defendant Effie Hoke loaned the money to the three girls in question, or either of them, with which they procured transportation to Texas, yet if you shall further believe that she loaned said money to them at their request and solicitation, or at the request and solicitation of either of said girls, or in so doing she wished simply to comply with their desires, and did not loan or give said money to them for the purpose of persuading or inducing them to come to Beaumont against their wills, then you will acquit the defendant Effie Hoke."

5. Because the evidence shows that the three Baden girls were poor; that while they denied being public prostitutes, they admit that they had lost their virtue in New Orleans; that they were frequenting wine rooms and working only part of the time, and for meagre wages, and that they knew their former friend and associate

Ouida Landry was then in Beaumont; that the earnings of lewd women were much greater in Beaumont than in New Orleans; that New Orleans was over-run with lewd women, and that they might have desired, and probably did desire to leave New Orleans and come to Beaumont to take up their abode; and the testimony of Effie Hoke was that they the Baden girls themselves, suggested the idea of their coming to Beaumont, and that they tried to borrow money from her to enable them to make the trip, which she refused to loan them, but later while in a state of intoxication, as shown by the government's own witnesses, she may have given them the money without having in view the idea of thereby inducing them to take the journey, or without having persuaded them to do it, and this phase of the case should have been submitted to the jury, *i. e.*, that if it was their own desire to take the trip, if the idea to do so originated with them, if the money to do so was given by the defendant at their request, without any object or intent on her part to aid or induce them to take the trip, then the defendant was not guilty of any infraction of the statute under which this indictment was drawn.

6. Because even though the defendant might have suggested to, or advised the said girls to take said interstate journey, yet if their taking said journey was not caused by said advice or suggestion, but because they themselves wanted to go, and they themselves had already conceived the idea of going, these defendants would not be guilty, and the evidence raises a strong probability that they had entertained the idea of leaving New Orleans and coming to Beaumont before meeting with the defendants on the occasion named. This issue is raised by the evidence, and not only does the court fail to embody it in its main charge, but substantially states the converse thereof, *i. e.*, that even if the girls desired and intended to go to Beaumont, yet if the defendants also persuaded them to go the de-

endants would be guilty—nowhere telling the jury that before the defendants could be found guilty the jury must believe that the persuasion or inducement on the part of the defendants was the moving cause of the girls leaving New Orleans and coming to Texas, or that it influenced them to do so, and nowhere does the court tell the jury in its charge that if the girls wanted to go, and did go of their own free will, and that the advice or persuasion on the part of the defendants had nothing to do with their previously formed desire and intention to make the trip, that the defendants in that view of the case would be not guilty, and the evidence fairly raises the issue that there was a pre-formed wish and intent on the part of the said Baden girls.

GREERS & NALL,
T. H. BOWERS, AND
CHANDLER C. LUZENBERG,
Attorneys for Defendant, Basile Economides.

HAL W. GREER
Of Counsel for Economides.

BLAIN & HOWTH,
Attorneys for Defendant, Effie Hoke.

C. W. HOWTH,
Of Counsel for Effie Hoke,
one of the Defendants.

The foregoing has the following endorsements, to-wit:
Cr. No. 167. The United States vs. Effie Hoke & Basile Economides. Assignments of Error. Filed May 23, 1911. J. B. Blades, Clerk.

DEFENDANT'S PETITION FOR WRIT OF ERROR.

Filed May 23, 1911.

In the District Court of the United States for the Eastern District of Texas, Sitting at Beaumont.

The United States

versus

Cr. No. 167.

Effie Hoke and

Basile Economides.

To the Hon., the District Court of the United States for the Eastern District of Texas, the Honorable Gordon Russell, presiding:

Effie Hoke and Basile Economides, the defendants, respectively show that they are aggrieved by the judgment and sentence of the court, the judgment of conviction being entered on April 11, 1911, and the sentence of the court being entered on the 15th day of April A. D. 1911, in the above entitled and numbered cause; and they do hereby pray for the allowance of a writ of error from the said judgment and sentence to the Honorable The United States Supreme Court at Washington, D. C., for the reasons specified in the assignment of errors, which is herewith filed, and they pray that this writ of error may be allowed, and that a transcript of the record and proceedings upon which such judgment and sentence was had shall be made out and duly authenticated and sent to the Honorable The United States Supreme Court; and that the Court will allow a supersedeas and suspension of the said judgment and sentence upon their giving bond either jointly, or severally, as the court may require, according to law, and that the court will sign the citation and approve the bond.

GREERS & NALL,

T. H. BOWERS, AND

CHANDLER C. LUZENBERG,

Attorneys for defendant Basile Economides.

HAL W. GREER,
of Counsel for Economides.

BLAIN & HOWTH,
Attorneys for defendant Effie Hoke.

C. W. HOWTH,
of Counsel for Effie Hoke.

This the 23 day of May, A. D. 1911, came the defendants Basile Economides and Effie Hoke, by their attorneys and filed herein and presented to the court their petition, praying for the allowance of a writ of error and assignment of errors intended to be urged by them, praying also that transcript of the record and proceedings and papers upon which the judgment and sentence herein was rendered, duly authenticated, may be sent to the Honorable The United States Supreme Court, at Washington, D. C., and that such other and further proceedings may be had as may be proper in the premises.

On consideration whereof, the Court does allow the writ of error upon each of the defendants giving bond according to law in the sum of three thousand dollars, which shall operate as a supersedeas bond.

GORDON RUSSELL,
Judge Presiding.

The foregoing has the following endorsements, to-wit:
Cr. No. 167. United States vs. Effie Hoke and Basile Economides. Defendants Petition for writ of error, and order of the Court allowing the same. Filed May 23, 1911. J. R. Blades, Clerk.

BAIL BOND OF BASILE ECONOMIDES.
Filed May 24, 1911.

THE UNITED STATES OF AMERICA,
Eastern District of Texas, ss.

We, Basile Economides, Lon A. Bernard, Theo. Milopowlos and John Baylock, jointly and severally, ac-

knowledge ourselves indebted to the United States of America in the sum of Three Thousand (\$3,000.00) Dollars, lawful money of the United States of America, to be levied of our and each of our goods, chattels, lands and tenements, upon this condition:

Whereas, the said Basile Economides has sued out writ of error from the judgment of the District Court of the United States for the Eastern District of Texas, in the case in said Court wherein the United States of America are plaintiffs and said Basile Economides and Effie Hoke are defendants for review of said judgment in the Honorable, the Supreme Court of the United States.

Now, if the said Basile Econoimdes shall appear and surrender himself in the District Court of the United States for the Eastern District of Texas on and after the filing in said District Court of the mandate of said the Honorable Supreme Court of the United States, and from time to time thereafter as he may be required to answer any further proceedings, and abide by and perform any judgment, sentence, decree or order which may be had or rendered therein in this case, and shall abide by and perform any sentence, judgment, order or decree which may be rendered in the Honorable, the Supreme Court of the United States, and not depart from said District Court without leave thereof, then this obligation shall be void; otherwise, to remain in full force, virtue and effect.

Witness our hands and seals this day of May,
A. D. 1911.

BASILE ECONOMIDES	(Seal)
LON A. BERNARD	(Seal)
THEO. MILONOPOWLOS	(Seal)
JOHN BAYLOCK.	(Seal)

I, Lon A. Bernard, one of the signers as surety to the foregoing bond, do solemnly swear I am reasonably

worth in lands, goods, chattels, and tenements subject to execution over and above all liabilities and exemptions, the sum of Three Thousand (\$3,000.00) Dollars.

LON A. BERNARD.

Sworn to and subscribed before me this 16 day of May, A. D. 1911.

(Seal)

J. R. JEFFERSON,
Notary Public
Jefferson Co., Texas.

I, Theo. Milonopowlos, one of the signers as surety to the foregoing bond, do solemnly swear I am reasonably worth in lands, goods, chattels, and tenements subject to execution over and above all liabilities, and exemptions, the sum of Three Thousand (\$3,000.00) Dollars.

THEO. MILONOPOWLOS,

Sworn to and subscribed before me; this the 16th day of May, A. D. 1911.

(Seal)

J. R. JEFFERSON,
Notary Public,
Jefferson County, Texas.

I, John Baylock, one of the signers as surety to the foregoing bond, do solemnly swear I am reasonably worth in lands, goods, chattels, and tenements, subject to execution, over and above all liabilities and exemptions, the sum of Three Thousand (\$3,000.00) Dollars.

JOHN BAYLOCK,

Sworn to and subscribed before me, this 16th day of May, A. D., 1911.

(Seal)

J. R. JEFFERSON,
Notary Public
Jefferson County, Texas.

The foregoing bond is accepted, taken and approved this 24th day of May, A. D. 1911, before me.

GORDON RUSSELL,
District Judge in and for
Eastern District of Texas.

The foregoing has the following endorsements, to-wit:
Cr. No. 167. United States vs. Basile Economides.
Bail bond of Basile Economides, upon writ of error to
Supreme Court. Filed May 24, 1911. J. R. Blades,
Clerk.

BAIL BOND OF EFFIE HOKE.

Filed May 24, 1911.

**THE UNITED STATES OF AMERICA,
Eastern District of Texas, ss.**

We, Effie Hoke, G. Hewitt, Thos. Robinson, and C. J. Ott, jointly and severally, acknowledge ourselves indebted to the United States of America in the sum of Three Thousand (\$3,000.00) Dollars, lawful money of the United States of America, to be levied of our and each of our goods, chattels, lands and tenements, upon this condition:

Whereas, the said Effie Hoke has sued out writ of error from the judgment of the District Court of the United States for the Eastern District of Texas, in the case in said Court wherein the United States of America are plaintiffs and said Effie Hoke and Basile Economides are defendants for a review of said judgment in the Honorable, the Supreme Court of the United States.

Now, if the said Effie Hoke shall appear and surrender herself in the District Court of the United States for the Eastern District of Texas on and after the filing in said District Court of the mandate of said the Honorable Supreme Court of the United States, and from time to time thereafter as she may be required to answer any further proceedings, and abide by and perform any judgment, sentence, decree or order which may be had or rendered therein in this case, and shall abide by and perform any sentence, judgment, order or decree which may be rendered in the Honorable, the Supreme Court of the United States, and not depart from said District Court

without leave thereof, then this obligation shall be void; otherwise, to remain in full force, virtue and effect.

Witness our hands and seals this day of May, A. D. 1911.

EFFIE HOKE (Seal)

G. HEWITT (Seal)

THOS. ROBINSON (Seal)

C. J. OTT. (Seal)

I, G. Hewitt, one of the signers as surety to the foregoing bond, do solemnly swear I am reasonably worth in lands, goods, chattels, and tenements subject to execution over and above all liabilities and exemptions, the sum of Three Thousand (\$3,000.00) Dollars.

G. HEWITT.

Sworn to and subscribed before me this 16th day of May, A. D. 1911.

(Seal)

HUGO R. BURNABY,
Notary Public in and for
Jefferson Co., Texas.

I, Thos Robinson, one of the signers as surety to the foregoing bond, do solemnly swear I am reasonably worth in lands, goods, chattels, and tenements subject to execution over and above all liabilities, and exemptions, the sum of Three Thousand (\$3,000.00) Dollars.

THOS. ROBINSON.

Sworn to and subscribed before me, this 16th day of May, A. D. 1911.

(Seal)

HUGO R. BURNABY,
Notary Public in and for
Jefferson County, Texas.

I, C. J. Ott, one of the signers as surety to the foregoing bond, do solemnly swear I am reasonably worth in lands, goods, chattels, and tenements, subject to execution, over and above all liabilities and exemptions, the sum of Three Thousand (\$3,000.00) Dollars.

C. J. OTT.

Sworn to and subscribed before me, this 16th day of May, A. D. 1911.

(Seal)

HUGO R. BURNABY,
Notary Public in and for
Jefferson County, Texas.

Taken and approved this 24th day of May, A. D. 1911,
before me.

GORDON RUSSELL,
District Judge.

The foregoing has the following endorsements, to-wit:
Cr. No. 167. United States vs. Effie Hoke & Basile Economides. Bail Bond of Effie Hoke upon writ of error to Supreme Court of the United States. Filed May 24, 1911. J. R. Blades, Clerk.

CITATION IN ERROR.

Filed May 25, 1911.

UNITED STATES OF AMERICA, ss.

The President of the United States, to the United States or J. W. Ownby its District Attorney in and for the Eastern District of Texas, Greeting:

Whereas in a certain cause tried in the District Court of the United States for the Eastern District of Texas, at Beaumont, wherein the United States was and is plaintiff by bill of indictment, and Effie Hoke and Basile Economides were and are defendants by bill of indictment, a writ of error has been sued out to the Hon. the Supreme Court of the United States:

Therefore you are hereby cited and admonished to be and appear at the Supreme Court of the United States to be held in the City of Washington in the District of Columbia within 30 days from the date of this writ, pursuant to a writ of error filed in the Clerk's office of the United States District Court for the Eastern District of Texas, wherein the said Effie Hoke and Basile Econo-

mides are plaintiffs in error, and the United States is defendant in error, to show cause if any there be, why the judgment in the said writ of error mentioned should not be corrected, and speedy justice should not be done to the parties in that behalf.

Witness the Hon. Edward Douglass White, Chief Justice of the Supreme Court of the United States of America this the 23rd day of May, 1911, and of the Independence of the United States the one hundred and thirty-fifth.

J. R. BLADES
Attest:

Clerk.

U. S. District Judge Presiding.
GORDON RUSSELL,

MARSHAL'S RETURN.

I, D. B. Lyon, United States Marshal for the Eastern District of the State of Texas, do hereby certify that I received the annexed citation on the 23 day of May, 1911, and upon the same day duly served the same upon J. W. Ownby, United States District Attorney for the Eastern District of Texas, by delivering to and leaving with the said J. W. Ownby in Lamar County in the State of Texas, and in the Eastern District thereof, a full, true and correct copy of said citation, certified to by the Clerk of the United States District Court in and for the Eastern District of Texas, under the seal of said court, to be a correct copy of said citation.

Witness my hand this the 23 day of May, A. D. 1911.

DUPONT B. LYON,
United States Marshal
for the Eastern District of Texas.
by C. W. BOUGHN,
Deputy.

The foregoing has the following endorsements, to-wit:
Cr. No. 167. United States vs. Effie Hoke and Basile Economides. Citation in Error. Filed May 25, 1911.
J. R. Blades, Clerk.

WRIT OF ERROR AND ALLOWANCE THEREOF.

Filed May 25, 1911.

UNITED STATES OF AMERICA, ss.

The President of the United States to the Honorable
Judge of the District Court of the United States in
and for the Eastern District of the State of Texas,
GREETING:

Because in the record and proceedings, as also in the rendition of the judgment of a plea, and the sentence of the court, which is in said District Court before you, wherein the United States is plaintiff by a bill of indictment, and defendants in error in this proceeding, and Effie Hoke and Basile Economides were and are defendants in said bill of indictment, and plaintiffs in error in this proceeding, a manifest error hath happened to the great damage of the said Effie Hoke and Basile Economides, plaintiffs in error, as by their complaint appears.

We, being willing that error, if any hath been, should be duly corrected and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that under your seal distinctly and openly you send the record and proceedings aforesaid, with all things concerning the same, to the United States Supreme Court in the City of Washington, D. C., together with this writ, so that you have the same at the City of Washington in the District of Columbia on the 23rd day of June, 1911, next, in the said Supreme Court of the United States of America, to be then and there held that the record and proceedings aforesaid being inspected, the said Supreme Court of the United States may cause further to be done therein to correct that error, what of right and according to the laws and customs of the United States should be done.

Witness the Hon. Edward Douglass White, Chief

Justice of the Supreme Court of the United States, the
23 day of May, 1911.

J. R. BLADES,
Clerk U. S. District Court for
the Eastern District of Texas.

Allowed:

GORDON RUSSELL
Judge Presiding.

I, D. B. Lyon, United States Marshal for the Eastern District of the State of Texas, do hereby certify that I received the annexed writ of error on the 23 day of May, 1911, and upon the same day duly served the same upon J. W. Ownby, United States District Attorney for the Eastern District of Texas by delivering to and leaving with the said J. W. Ownby, in Lamar County, in the State of Texas, and in the Eastern District thereof, a full, true and correct copy of said writ of error, certified to by the Clerk of the United States District Court in and for the Eastern District of Texas, under the seal of said court, to be a correct copy of said writ of error.

Witness my hand this the 23 day of May, A. D. 1911.

DUPONT B. LYON
United States Marshal
for the Eastern District of Texas.
By C. W. BOUGHN, Deputy.

I hereby certify that a true copy of the within writ has this day been lodged in the Clerk's office for the use of the defendant in error.

Dated 25th day of May, A. D. 1911.

J. R. BLADES,
Clerk U. S. District Court,
By C. C. BUMPAS, Deputy. Eastern District of Texas.

The foregoing has the following endorsements, to-wit:
Cr. No. 167. United States vs. Effie Hoke and Basile Economides. Writ of error and allowance thereof. Service of this writ is hereby accepted. Filed May 25, 1911. J. R. Blades, Clerk.

CLERK'S CERTIFICATE.

I, J. R. Blades, Clerk of the District Court of the United States for the Fifth Circuit and Eastern District of Texas, do hereby certify that the above and foregoing is a full, true and correct transcript of the record, bill of exceptions, assignment of errors, and all the proceedings in cause No. 167, Criminal Law, wherein The United States is plaintiff and Effie Hoke and Basile Economides are defendants, as fully as same remain on file and of record in my office at Beaumont, and that same constitutes the return to the annexed writ of error and citation.

Witness my hand officially and the seal of said Court, at Beaumont, Texas, this the 17th day of June, A. D. 1911.

J. R. BLADES, Clerk,

By C. C. BUMPAS, Deputy.

In the Supreme Court of the United States.

OCTOBER TERM, 1912.

EFFIE HOKE AND BASILE ECONOMIDES,	} No. 381.
PLAINTIFFS IN ERROR,	
v.	
THE UNITED STATES.	

*IN ERROR TO THE DISTRICT COURT OF THE UNITED STATES
FOR THE EASTERN DISTRICT OF TEXAS.*

MOTION TO ADVANCE.

The Solicitor General, on behalf of the United States, moves the court to advance this case for hearing during the present term with Nos. 588, 602, and 603, in which cases like motions are submitted.

All are criminal cases, arising under the act of Congress approved June 25, 1910, 36 Stat. 825, known as the White-Slave Traffic Act, and involve the constitutionality of that act. An economy of the court's time will result in hearing four similar cases at once.

In this case plaintiffs in error were convicted of violating the statute by causing three girls to go from New Orleans, La., to Beaumont, Tex., in interstate commerce, for the purpose of prostitution, and each was sentenced to a term of six years' penitentiary imprisonment.

The trial court overruled demurrers and motions which challenged the constitutionality of the act. Such rulings and certain others respecting the admission of testimony and the refusal to submit certain charges to the jury are assigned as error in this court.

Notice has been given of this motion.

WILLIAM MARSHALL BULLITT,
Solicitor General.

WILLIAM R. HARR,
Assistant Attorney General.

OCTOBER 15, 1912.

○

Adopting the arguments and citation of authority by Plaintiffs in Error, in No. 603 and 842, as to the unconstitutionality of the White Slave Act, Effie Hoke offers the following in reply to the government's brief upon the other errors assigned.

1.

With reference to the second and third assignments of error in which plaintiff in error complains of the refusal of the court to instruct a verdict of not guilty as to that count in the indictment which charged her with persuading Gertrude Baden to take an interstate journey because there is no evidence to show that either of the defendants persuaded Gertrude. The Government in its brief summarily dismisses this complaint by calling the court's attention to the fact that the trial court instructed the jury substantially that if they believed Florence acted as the agent of the defendants in persuading Gertrude, they should in that event find them guilty.

Plaintiffs in error not only complained of the refusal of the court to instruct a verdict of not guilty as to this count, but they also complained of the charge of the court authorizing the jury to find defendants guilty if they believed Florence acted as their agent in persuading Gertrude, because it is not alleged in the indictment that defendants persuaded Gertrude through the agency of any one, and because there is no evidence that

Florence persuaded Gertrude to take the interstate journey. The nearest approach to evidence which has been tortured into an act of persuasion on the part of Florence is the fact that Florence told Gertrude to come to the saloon in New Orleans, and see what the lady wanted. The testimony of Gertrude taken in its entirety shows conclusively that neither of the defendants said a word to her about going to Texas at the saloon or elsewhere, and that all Florence said to her was to come to the saloon, and that she took the interstate journey for the sole reason that her sisters were going. The plaintiff in error also calls the attention of the Court to the fact that in treating the persuasion of Gertrude as having been accomplished through the agency of Florence, that Florence was an accomplice and that the Court should have instructed the Jury to the effect that they could not convict upon the uncorroborated testimony of Florence (testimony set out in 2nd and 3rd assignments of Effie Hoke's brief with citation to pages of Tr. of Rec.).

2.

As to the complaint in plaintiff's in error's fourth assignment, that the Court refused to submit a phase of the case fully raised by the evidence, that is, that if the jury believed that the idea to take this interstate journey for an immoral purpose originated with the alleged injured females and they formed the purpose to go and would have gone on the interstate journey without ever having seen either of the defendants, and that defendants' alleged request that they take the journey did not persuade them or influence them, defendants

should be acquitted. This complaint is also summarily dismissed by the learned Assistant Attorney General by the general statement "that the court's charge as a whole shows that it carefully covers all requested instructions which it would have been proper to grant."

In this assignment the defendants complain of the refusal of the Court to instruct the Jury substantially, that if the alleged injured girls previously formed the intent to take the interstate journey, and did take it without being influenced by the acts of the defendants, they would not be guilty, but the court not only refused to submit this phase of the case to the jury, but on the contrary, submitted the converse thereof, that is, "that even if the girls desired and intended to go to Beaumont yet if the defendants also persuaded them to go, the defendants would be guilty." The act under which this indictment was found, and this conviction had, denounces the act of persuasion and does not denounce the act of attempting to persuade. "To persuade" as used in this Statute has the same meaning as the word "persuade" has in its ordinary acceptance. And to say that a person is persuaded to do an act means that some act intended to induce the person to do the act has been done, and, furthermore, that the person does the act by reason thereof. An attempt to persuade without actual persuasion is not an offense denounced by the Statute any more than is an attempt to commit theft an offense under a statute denouncing theft (pages Tr. of Rec. 390-401-402).

3.

As to the plaintiff's assignment that the Court erred in admitting over their objection, testimony substantially to the effect that after the arrival of the girls in Beaumont they were detained and enslaved to a life of degradation by the device of keeping them in debt and arresting them on a charge of vagrancy when they attempted to escape, the Assistant Attorney General says:

"This evidence sheds light upon the intention of the accused in inducing these girls to go to Beaumont and was, therefore, properly admissible. The Court was careful to caution the Jury with respect to the extent to which they could consider such testimony" (page 86 et seq., page 136 et seq., page 26 et seq., 366-375-380, Charge of Court 386 and 389, 406-407-418-432-434-435).

The Assistant Attorney General fails to inform this Court that the trial court's instruction with "respect to the extent to which they could consider this testimony" was simply that they could not consider it against her co-defendant Economedes, because he was not present; and that the court in this connection refused to give in charge to the jury a specially requested charge in writing submitted by the defendant, Effie Hoke, or to cover the same in its main charge, directing the Jury that the evidence of enslavement of the alleged injured girls (admitted over her objection and in spite of her admission that after their arrival in Beaumont the girls engaged in prostitution) might be considered only for the purpose of shedding

light upon the intention with which they were induced to take the interstate journey. This is the only ground upon which said testimony was admissible and the Court should have so limited its consideration by the jury, and in view of defendant's admission that the girls engaged in prostitution after their arrival in Beaumont this testimony became and was inadmissible for any purpose and highly prejudicial to defendant Hoke.

4.

As to the plaintiff in error's assignment of error that prior to their coming to Texas the alleged injured females were public prostitutes in the City of New Orleans, Louisiana. The learned Assistant Attorney General again summarily disposes of this assignment by saying that the evidence was immaterial because "while the act was designed to protect the innocent and virtuous is not limited to them." This we admit, but the testimony going to show that the girls were public prostitutes prior to taking the interstate journey was admissible upon another ground, not as a defense per se, but for the purpose of showing that they were not persuaded or induced or enticed to take an interstate journey for an immoral purpose. It certainly seems logical, and the evidence, therefore, relevant and material, that the injured females were public prostitutes prior to the alleged persuasion to take an interstate journey for an immoral purpose as tending to show that defendant's contention that they were not persuaded is probably true. Nor can the complaint of plaintiff in error be met by saying that the girls admitted they were "not virtuous" previous to the alleged

offense, in view of their denial that they were public prostitutes and their contention that they were working girls (pages 364-370-373-377-420-421).

We suggest to the Court that the persuasion of the alleged females, if they were persuaded, occurred at one and the same time and place and therefore constitutes but one offense and the action of the trial Court in treating each count respecting the same transaction as a separate offense, sentencing these defendants to 6 years imprisonment—which is one year in excess of the maximum penalty allowed by the statute—is void.

For the errors pointed out we respectfully submit the judgment and sentence should be set aside.

C. W. HOWTH,
Counsel for Effie Hoke.

In the Supreme Court of the United States

WRIT OF ERROR FROM THE DISTRICT COURT OF
THE UNITED STATES FOR THE EAST-
ERN DISTRICT OF TEXAS.

EFFIE HOKE AND BASILE ECONOMIDES,
Plaintiffs in Error

vs.

THE UNITED STATES OF AMERICA,
Defendant in Error.

Brief and argument of the plaintiff in error, Effie Hoke, by her counsel, C. W. Howth.

The defendant, Effie Hoke, adopts all of the assignments, propositions, statements, arguments and citation of authorities in the brief submitted by the defendant Economides, and in addition, respectfully submits the following reasons why this case should be reversed and remanded for a new trial in the event the court should hold that the law under which the conviction was had is constitutional.

DEFENDANT HOKE'S FIRST ASSIGNMENT OF ERROR.

(a) "The government failed and omitted to prove that the females, viz: Annette Baden, Florence Baden and Gertrude Baden, alias Hays, or either of them, were transported over the line of the Texas and New Orleans Railroad Company, as charged in the indictment, in that the government failed to prove that the Texas and New Orleans Railroad Company was a line of railroad extending from New Orleans in the State of Louisiana into the State of Texas, and further, in that the court will take judicial knowledge of the fact that the Texas and New Orleans Railroad Company is chartered as such under the laws of the State of Texas, having its termini wholly within the State of Texas, to-wit: The city of Houston, Texas, on the west, and the city of Orange, Texas, on the east." (P. 414, Tr. of Rec).

(b) "The court erred in overruling and refusing defendant's motion to instruct a verdict of acquittal on the ground of variance between the allegation in the indictment and the proof, in this:

"Because the government failed and omitted to prove that the females, to-wit: Annette Baden, Florence Baden and Gertrude Baden, or either of them, were transported over the line of the Texas and New Orleans Railroad Company as charged in the indictment and in that the government failed to prove that the Texas and New Orleans Railroad Company was a line of railroad extending from New Orleans, in the State of Louisiana to the State of Texas, and in rejecting the proof offered by the defendants that the Texas and New Orleans Railroad is a line of railroad wholly within the State of Texas and is operated by a company chartered under the laws of the State of Texas and is not an interstate corporation, and in this connection the court further erred in refusing to give the special charge asked by the defendants to the following effect:

"Because the evidence offered fails to show that the three girls who it is alleged in the indictment were caused to go and to be carried and transported as passengers upon the line and route of a common carrier engaged in interstate commerce, were carried and transported over the line of the Texas and New Orleans Railroad as alleged in the indictment.

"And because the proof offered fails to show that the line of railroad of the Texas and New Orleans Railroad Company, the line of railroad over which it is alleged in the indictment the three girls were caused to be carried and transported as passengers from New Orleans, La., to Beaumont, Texas, extends from the city of New Orleans, La., to the city of Beaumont, Texas." (Twelfth Assignment, p. 424, Bill of Exceptions, No. 18, p. 396, Tr. of Rec).

FIRST PROPOSITION UNDER ABOVE ASSIGNMENTS.

Every essential allegation in an indictment must be proved as alleged, a failure to prove which constitutes a fatal variance.

STATEMENT UNDER FIRST PROPOSITION.

All of the proof offered in support of this particular allegation has been carefully gathered from the entire record by the government in its qualification of the Bill of Exception, reserved by defendants, as well as the court's charge covering this point, and is to be found on pp. 397, 398, Tr. of Rec., which is quoted in full as follows:

Annette Hays testified: "We took the train at the Union Station in New Orleans. I do not know the name of the road. Theresa Flood bought the tickets. We got on the train at New Orleans about 8:30 and arrived at Beaumont about 8:00 the next morning. We stayed in the same coach on the train from the time we left New

Orleans until the time we arrived at Beaumont." (See page 10, Bill of Exception No. 2).

Florence Hays testified: "Theresa Flood bought the tickets at the Union Station at New Orleans. We left New Orleans at about 9:15 and stayed on the same car all the way to Beaumont, Texas. (See page 67, Bill of Exception No. 2).

Theresa Flood testified: "After we left Miss Pauline Wilson's, we went to the Union Station in New Orleans. I bought the tickets for myself and the girls from New Orleans to Beaumont, Texas. I bought the tickets from the Southern Pacific road. We got right on the train and come from New Orleans to Beaumont, staying in the same car all the way from New Orleans to Beaumont." (See page 151, Bill of Exception No. 2).

On this phase of the case the Judge in his general charge instructed the jury as follows:

"Now, gentlemen the term 'common carrier engaged in interstate commerce' means simply this: That it is a carrier which transports persons or property for hire between one place in one State and another place in another State, and if you believe the carrier which brought these girls from New Orleans, Louisiana, to Beaumont, Texas, was a carrier which transported persons or property for hire, then the court informs you, as a matter of law, that it would be a common carrier engaged in interstate commerce."

ARGUMENT UNDER FOREGOING PROPOSITION AND STATEMENT.

From the above it will be seen that the only proof offered is substantially that the tickets were bought from the "Southern Pacific road;" that the prosecuting witnesses boarded a train in New Orleans and stayed on the same coach on the same train until they arrived in Beaumont.

It is nowhere proved or attempted to be proved that they were carried between New Orleans and Beaumont "over the line of the Texas and New Orleans Railroad Company, a part of the Southern Pacific system, known as the Sunset Route," as alleged in the indictment.

The court, in qualifying the Bill of Exceptions, covered by this assignment, quoted from its charge the excerpt hereinbefore set out, the only inference from the language of which is that the court considers that this assignment is fully answered by showing that he left it as an open question of fact to be determined by the jury whether the so-called white slaves were transported from Louisiana to Texas by a "common carrier."

Such, however, is not the point raised by this assignment.

There is and never was any contention by defendants that the prosecuting witnesses were not conveyed from the one State to the other by a "common carrier."

Defendant's contention is the government having alleged that they were carried "over the line of the Texas and New Orleans Railroad Company, which line of railroad is a part of the Southern Pacific Railway system and is commonly known as the Sunset Route," that it was its duty specifically to prove such allegation, and, having failed in this respect, the variance is fatal to conviction. This requirement is not met by the proof that the prosecuting witnesses "left New Orleans about 8:15 and stayed on the same car all the way to Beaumont," nor is it met by proof that the tickets were bought from the "Southern Pacific road?"

Nowhere is it proved that they were transported from the one State to the other over the line of the Texas and New Orleans Railroad Co., a part of the Southern Pacific system," nor can this fact be inferred from the proof that they bought the tickets from the Southern Pacific road and stayed on the same car all the way to Beaumont, nor can it be inferred that the Texas and New

Orleans Railroad is part of the Southern Pacific system from the mere fact they stayed on the same car all the way from New Orleans to Beaumont. Even if it may be so inferred by stretching the law of deduction to the breaking point, still the requirement is not met, for the government did not attempt to prove the name of the road over which they were transported. The only proof offered is the mere inference that they were transported over an unknown line of railroad belonging to the Southern Pacific system, from the fact that the tickets were bought from the Southern Pacific road.

It can hardly be doubted that the Railroad over which the injured parties were transported and that it was a common carrier, was an essential allegation under the statute.

Will the court take judicial knowledge that they were transported over the Texas and New Orleans Railroad, from the proof that they bought the tickets over the Southern Pacific road?

If so, will not the court also take judicial knowledge of the fact that the Texas and New Orleans Railroad Company is a Texas corporation and that its line of railroad lies wholly within the State of Texas?

If so, there is a variance between such fact and the allegation in the indictment that they were transported from New Orleans to Beaumont over the Texas and New Orleans Railroad.

The court judicially knows that most of the railways of America are grouped, owned, operated or controlled by "systems"—The court judicially knows by name the Southern Pacific system, (another name for the Harri-man system,) the Frisco System, the Santa Fe system, the Gould system, and others, but does the court judicially know the names of the different railroad corporations that constitute the different systems?

The proof is not that they bought the tickets from the "Southern Pacific system" but from the "Southern Pacific road."

Suppose the defendants had been indicted for embezzeling funds of the Texas and New Orleans Railroad Company, would proof that they embezzled funds belonging to the Southern Pacific road have sufficed?

Besides it is submitted, that judicial knowledge does not dispense with proof of specific allegations in an indictment.

DEFENDANT HOKE'S SECOND ASSIGNMENT OF ERROR.

"Because the evidence . . . does not show that the defendants, or either of them, persuaded, induced, coerced, enticed or assisted in aiding, persuading, inducing, enticing or coercing the witness, Gertrude Baden, alias Gertrude Hays, to become a passenger in interstate commerce from the city of New Orleans, La., to the city of Beaumont, Texas, for the purpose of prostitution or any other purpose. (a) Because it affirmatively appears from the testimony of Gertrude Baden, alias Hays, herself, that she came to Texas because her sisters were coming and that she was following in the footsteps of her sisters. (b) And for the reasons herein set out the court erred in failing and refusing to instruct a verdict of not guilty so far as the count in the indictment charging them with persuading Gertrude Baden, alias Hays, to come to Texas for such immoral purpose, is concerned. (Sub-division 11, Third Assignment, Tr. of Rec., pp. 414, 415, Bill of Exceptions No. 10, p. 383; Assignment of Error 14, p. 427).

PROPOSITION UNDER ABOVE ASSIGNMENT OF ERROR.

It is the duty of the court to withdraw from the consideration of the jury any count in an indictment not supported by the evidence.

STATEMENT UNDER SECOND ASSIGNMENT AND
PROPOSITION THEREUNDER.

Upon this point Gertrude Baden, on her direct examination, testified as follows:

Questioned by United States District Attorney Ownby, beginning at the bottom of p. 132, Tr. of Rec.:

Q. Well, the night you and your sisters came to Beaumont, where were you and what was the first information you got about coming here?

"A. The first information I got was at my aunt's and my sister, Florence, came down after me and said she was coming to Beaumont. I did not know what she was coming for. She said for me to come to Economides saloon and a lady there would tell me.

"Q. Who was at Economide's place when you got there?

"A. Effie Hoke and Mr. Economides and my two sisters.

"Q. Now go ahead and tell all you can remember what was said by Mr. Economides and by Effie Hoke in reference to getting ready to come to Beaumont.

"A. He said more to my sisters than to me. He said they were coming to Beaumont; he did not tell me anything about it, and later on he said: "You are going over to see this lady, she has a private boarding house, but he never said what it was for. He said to Miss Effie: 'Here is the other little girl I was telling you about,' and they said lets have a drink and we had a drink.

"Q. Then, what else was said?

"A. That is all I can remember.

"Q. That is all you remember?

"A. Yes, sir."

On cross examination by Effie Hoke, the witness, Gertrude Baden testified on this subject as follows: (p. 148, Tr. of Rec.)

"Q. Did you meet Effie Hoke before you left New Orleans?

"A. Yes, sir, I saw her at the wine room there.

"Q. You did not have any conversation with her?

"A. No, sir.

"Q. She did not speak to you.

"A. She said: 'Yes, go to Beaumont and you will have a nice time.'

"Q. Didn't you say you didn't have any conversation with her?

"A. I said Economides.

"Q. You did have a conversation with Effie Hoke?

"A. Yes, sir.

"Q. Did you have a conversation with Effie Hoke at the wine room?

"A. No, sir, she didn't have so much to say to me. She said she was glad to meet me.

"Q. Is that all she said to you?

"A. Yes, sir.

"Q. Did she have anything else to say to you except she was glad to meet you.

"A. She didn't to me. She talked to my sisters.

"Q. Effie Hoke was drinking?

"A. Yes, sir.

"A. I knew my sisters were a little intoxicated. (p. 157).

"Q. Didn't you say, in answer to my question, that when you got to the saloon and did not find what she wanted that the reason you did not go back to your aunt's house was because she said you owed her money?

"A. She did not tell us anything at Pauline's.

"Q. Why didn't you leave the saloon and go back home?

"A. They kept forcing us to go.

"Q. Who did that?

"A. Miss Effie Hoke and Pauline?

"Q. Didn't you say they never said a word to you at the saloon?

"A. I said at the house. I never said at the saloon.

"Q. (p. 158) It was because of what your sister said to you that you came to Beaumont?

"A. Yes, sir. I don't say that. I would not have come to Beaumont if I had not been forced to by Effie Hoke.

"Q. What did she do to force you to come?

"A. I didn't have to come, I guess.

"Q. Did she force you to come?

"A. If it hadn't been for her I would not have come.

"Q. Did she force you to come?

"A. Yes, she kept telling me to come.

"Q. She forced you to come because she told you to come?

"A. Yes, sir.

"Q. You thought it was your duty to obey her?

"A. I listened to her as the rest of them did.

"Q. It was not because your sister advised you to come that you came over here?

"A. No, sir.

"Q. Your sister advising you and persuading you to come never had anything to do with your coming?

"A. Yes, sir, if she had not come out there, I would not have come.

"Q. Effie Hoke never said anything to you at the saloon except, 'Howdy, I am glad to see you?'

"A. Yes, sir.

"Q. Why did not you turn and go back home?

"A. She said come over to Pauline's.

"Q. Didn't you say she never said a word to you?

"A. She spoke to my other sisters.

"Q. You did not go to Pauline's house because of anything she said to you?

"A. She was forcing my other sisters to go, and I went where they went.

"Q. You would go where they went?

"A. Yes, sir.

"Q. She did not say a word to you that persuaded you to go from the saloon?

"A. No, sir, she forced my other sisters to go. She didn't say anything to me.

"Q. You went along because she persuaded your sisters to go?

"A. Yes, sir.

"Q. Is that right?

"A. Yes, sir.

"Q. Simply because she persuaded your sisters to go,

and that is the reason you went?

"A. I followed the oldest ones; they were persuaded and forced and I went with them.

"Q. Your sisters were forced and you followed their lead; is that correct?

"A. Yes, sir, I suppose it is.

"Q. You followed in your sister's footsteps?

"A. Yes, sir.

DEFENDANT HOKE'S THIRD ASSIGNMENT OF ERROR.

"Because the court further erred in that part of its charge to the jury in which it instructs and permits the jury to consider Florence Baden as the agent of defendants in persuading Gertrude Baden to come to Beaumont, which said portion of said charge is as follows:

"With reference to the third count in the Bill of Indictment, if the jury find from the evidence that the witness Florence Baden persuaded her sister Gertrude to come to Beaumont, but you believe from the evidence beyond a reasonable doubt that in doing so she acted for the defendants, and at their request, then I inform you, as a matter of law, that the act of Florence Baden in trying to persuade, induce or entice her sister Gertrude to make the interstate journey, would be the act and statement of the defendants, or the one of them who requested her to see and persuade Gertrude, and the defendants, or the one of them who made the request, if after being made, Florence acted upon it, would be liable and bound by the persuasion, inducement or enticement, that Florence offered to Gertrude. (Sub-division 12, Thirteenth Assignment, Tr. of Rec., p. 426; Fourteenth Assignment of Error, and each Sub-division, pp. 427, 428, Tr. of Rec.).

PROPOSITION UNDER THIRD ASSIGNMENT OF ERROR.

It is error for the court to submit in its charge to the

jury any issue not fairly and fully raised by both the pleading and the evidence.

STATEMENT UNDER ABOVE ASSIGNMENT AND PROPOSITION.

The defendant here adopts all of the statement set out under the Second Assignment, and in addition thereto, quotes the following from the Transcript of Record: (p. 155, Tr. of Rec.).

“Q. When your sister came out there to get you about 6 o'clock you were just finishing cleaning the kitchen and your aunt was away and she wanted you to quit everything right then and there and leave your clothes and come to Beaumont, or asked you if you wanted to come?

“A. She said to me, come up and see what the lady wanted.

“Q. She told you a lady wanted you to go to Beaumont?

“A. Yes, sir, she didn't try to persuade me.

“Q. Did anyone persuade you to come?

“A. It was almost persuasion after I met those people.

“Q. You went at your sisters suggestion, of your own free will?

“A. No, sir, I was almost persuaded to go by Miss Effie Hoke. I went up there to see what she wanted at the saloon.”

From page 102, the testimony of Florence Baden we quote the following:

“Q. You changed your name because you were coming to Beaumont, without having any suspicion that Effie Hoke was running an improper place?

“A. I did not have any idea of coming over here until I went to drinking beer and mixed drinks. I didn't care then.

The indictment does not charge the defendants with having persuaded and enticed Gertrude Baden to leave New Orleans, through their agent, Florence Baden. (See Indictment, Tr., p. 1).

ARGUMENT.

There is no pleading or evidence in the record warranting the court to instruct the jury to convict if they should believe "Florence persuaded Gertrude to come to Beaumont, and in so doing she was acting as defendant's agent."

Gertrude repeatedly denied that Florence "persuaded" her to come. All she claims that Florence did was to inform her that a woman at Economide's place wanted to see her. Nobody persuaded her at Economide's place, or at Pauline's place. She came to Beaumont because her sisters were coming. The court, in view of this testimony, should at least, have instructed a verdict of not guilty in so far as the count charging them with persuading Gertrude is concerned.

To persuade is to influence one's mind by argument or reason. The mere act of Florence telling Gertrude that a woman at Economide's place wanted to see her has been construed by the court as equivalent to "influencing her mind by argument or reason to take an interstate journey for an immoral purpose." On page 156 in the testimony of Gertrude, we find the following question and answer:

"Q. You left the house and went to the saloon with the intention of going to Beaumont?

"I had no intention of going at all.

"Q. You went down to the saloon out of curiosity to find out what the woman wanted?

"A. Yes, sir, I went to find what she wanted."

There is no evidence that Florence spoke a word to her on her way to the saloon or after her arrival at the saloon, or at Pauline's, and this absence of evidence should acquit the defendants of having prevailed upon Gertrude's mind by argument or reason to take this interstate journey for an immoral purpose through the agency of Florence, the court having already acquitted them of having persuaded Gertrude themselves, for when the court charged the jury if they believed Florence persuad-

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ed Gertrude and in doing so she acted as the agent of defendants, that defendants would be guilty, it is conclusive proof that the court's own mind was convinced that neither Effie Hoke nor Economides said or did anything that could possibly be construed into an act of persuading Gertrude.

DEFENDANT HOKE'S FOURTH ASSIGNMENT OF ERROR.

The court erred in failing and refusing to give defendants specially requested charges, and in failing and refusing to embody the matters therein set forth in its main charge, in view of the fact that said special charges called the same to court's attention, said special charges being as follows, to-wit:

1. "Unless you believe from the evidence beyond a reasonable doubt that the defendants knowingly and feloniously persuaded, induced, coerced, or caused to be persuaded, enticed, coerced, or assisted in persuading, inducing, enticing or coercing the said girls or either of them, and unless you further believe from the evidence beyond a reasonable doubt that such persuasion, inducing, enticing or coercing was the cause of their going from New Orleans to Beaumont for immoral purposes, and unless you further believe from the evidence beyond a reasonable doubt that defendants procured a ticket, or caused the same to be procured, and that the procuring of such ticket and the furnishing of the money therefor was for the purpose of inducing them to go to Beaumont for immoral purposes, then you must acquit the defendant.

2. "If you believe from the evidence that the defendant Effie Hoke persuaded the said girls or either of them to come to Beaumont, and purchased a railroad ticket for them or either of them, or if you believe that she did either of said things, then you will acquit her unless you also further believe that they, the girls, came by reason of Indruch persuasion, and in this connection you are also

instructed that if they came by reason of their own desire and will to do so then you will acquit them, even if you should also believe that Effie Hoke persuaded them and furnished a ticket, or either persuaded or furnished a ticket.

3. "And if you believe from the evidence that said girls came by reason of their own will, then you will acquit them, even if you should also believe that the defendant Economides persuaded them to come, if you also believe that their coming to Texas was by reason of their own desires to come and not by reason of such persuasion.

4. "If you believe the defendant Effie Hoke loaned the money to the three girls in question, or either of them, with which they procured transportation to Texas, yet if you shall further believe that she loaned said money to them at their request and solicitation, or at the request and solicitation of either of said girls, or in so doing she wished simply to comply with their desires, and did not loan nor give said money to them for the purpose of persuading or inducing them to come to Beaumont against their wills, then you will acquit the defendant Effie Hoke.

5. Because the evidence shows that the three Baden girls were poor; that while they denied being public prostitutes, they admit that they had lost their virtue in New Orleans; that they were frequenting wine rooms and working only part of the time, and for meager wages, and that they knew their former friend and associate Ouida Landry was then in Beaumont; that the earnings of lewd women were much greater in Beaumont than in New Orleans; that New Orleans was over-run with lewd women, and that they might have desired, and probably did desire to leave New Orleans and come to Beaumont to take up their abode; and the testimony of Effie Hoke was that they the Baden girls themselves, suggested the idea of coming to Beaumont, and that they tried to borrow money from her to enable them to make the trip, which she re-

fused to loan them, but later while in a state of intoxication, as shown by the government's own witnesses, she may have given them the money without having in view the idea of thereby inducing them to take the journey, or without having persuaded them to do it, and this phase of the case should have been submitted to the jury, i. e., that if it was their own desire to take the trip, if the idea to do so originated with them, if the money to do so was given by the defendant at their request without any object or intent on her part to aid or induce them to take the trip, then the defendant was not guilty of any infraction of the statute under which this indictment was drawn.

6. Because even though the defendant might have suggested to, or advised the said girls to take said interstate journey, yet if their taking said journey was not caused by said advice or suggestion, but because they themselves wanted to go, and they themselves had already conceived the idea of going, these defendants would not be guilty, and the evidence raises a strong probability that they had entertained the idea of leaving New Orleans and coming to Beaumont before meeting with the defendants on the occasion named. This issue is raised by the evidence, and not only does the court fail to embody it in its main charge, but substantially states the converse thereof, i. e., that even if the girls desired and intended to go to Beaumont, yet if the defendants also persuaded them to go the defendants would be guilty—nowhere telling the jury that before the defendants could be found guilty the jury must believe that the persuasion or inducement on the part of the defendants was the moving cause of the girls leaving New Orleans and coming to Texas, or that it influenced them to do so, and nowhere does the court tell the jury in its charge that if the girls wanted to go, and did go of their own free will, and that the advice or persuasion on the part of the defendants had nothing to do with their previously formed desire and intention to make the trip, that the defendants in that view of the case would not be guilty, and the evidence fairly raises the issue that there

was a pre-formed wish and intent on the part of the said Baden girls."

PROPOSITION UNDER FOURTH ASSIGNMENT OF ERROR.

One cannot be guilty of inducing or persuading another to take an interstate journey for an immoral purpose when the idea and determination to do so originated with the person taking such journey, and the person charged with aiding or persuading did nothing more than to yield to a solicitation to lend the money—not knowing the purpose of the journey.

SECOND PROPOSITION UNDER ABOVE ASSIGN- MENT OF ERROR.

It is the duty of the court to charge on every phase of the case raised by the evidence and to charge affirmatively on all defensive matters..

DEFENDANT HOKE'S FIFTH ASSIGNMENT OF ERROR.

The court erred in permitting Florence Baden alias Hays, one of the persons defendants are charged with having persuaded to take an interstate journey from New Orleans, La., to Beaumont, Texas, for an immoral purpose, to testify as a witness for the United States, over the objection of the defendants, as follows, to-wit:

1. "I stayed in Effie Hoke's house in Beaumont about two weeks after I arrived in Beaumont. I left her house one morning about 5 o'clock. I wanted to leave and Miss Effie had said if we tried to get out she would kill us, so I got up that morning while she was asleep. We wanted to go to Houston but did not get our clothes, so we could not go. We went down to some hotel here (meaning Beaumont), started to go, and a policeman

would not let us go. A fellow named Teddy arrested us. He took us to the hotel and then down to the jail at the court house. That all occurred right after we left as soon as we got upon the main street, it occurred about half an hour after we left. The man who arrested us was a policeman—he had a uniform on—there were two policemen that arrested us, one was called Teddy, I don't know the other one's name. Then we stayed down at the jail about an hour. When we got out of jail we went to the depot; then we tried to get our things and did not get them, and then we went to the Jefferson hotel and we were arrested again by two policemen whose names I do not know."

2. And in this connection the court also erred in permitting Gertrude Baden alias Hays, another one of the persons defendants are charged with having persuaded to take said journey for such purpose, to testify over the objection of the defendant as follows, to-wit:

3. "After we arrived in Beaumont, and when we would get out of debt to Effie Hoke she would buy clothes and say that we owed her that much more, and then she would tell us we would have to stay there (meaning at her house) until we paid her, and I had to follow the life of a common prostitute because I could not do otherwise."

4. And in this connection the court also erred in permitting Annette Baden alias Hays, another one of the persons defendants are charged with having persuaded to take said journey for said purpose, to testify as a witness for the United States over the objection of the defendant as follows, to-wit:

5. "After we arrived in Beaumont we stayed with Effie Hoke a week and a half and could not get out of debt. Peddlers would come along and she would buy us things, and we got in debt more and more and we never could get out of debt, so one morning we decided to pick up our clothes and go away. We packed up our clothes and one of my sisters got out in the morning and Gertrude did not get out. Onida Landry and Florence got

out. They left the house about 5 o'clock and Paul came back for us, the balance of us, and Effie Hoke woke up, and Effie said to him 'You have taken Florence and Ouida, and now you have come for Annette and Gertrude' and she 'phoned for an officer and had him arrested, so the officer came and took Paul away. Effie came into my room and taken my clothes and Gertrude's and put them in a vacant room and locked them up. Effie Hoke told us she would keep our clothes until we paid her what we owed her. That afternoon Florence and Ouida got out; she would not give me my hat or coat or anything, so I borrowed the maid's coat and went to the postoffice, and there I met Florence and Ouida, and was talking to them and was on my way to Effie's to stay with Gertrude, and an officer came up and said Miss Effie has got all three of you up for vagrancy, and he said you are under arrest. I 'phoned her (meaning Miss Effie Hoke) and asked her if it was so, that the marshal said I was under arrest, and that she had all three of us for vagrancy and she said yes."

6. Because such testimony was and is immaterial, incompetent and irrelevant to any issue in the case, beyond the mere fact that after the Baden girls arrived in Beaumont they followed the business of prostitution, which these defendants admitted and offered to admit, and to the proof of which they did not object.

7. Because said testimony, going further and beyond establishing the mere fact that they followed the business of prostitution after their arrival in Beaumont, and proving, as in fact it does prove, that defendant Effie Hoke enslaved them to a life of shame and degradation in a house of public prostitution in the city of Beaumont against their wills, is not only irrelevant and immaterial to any issue in this case, but is highly prejudicial to the rights of these defendants, and was and is a gratuitous invasion of such rights, and was and is calculated to, and in the light of the verdict did arouse the passions of the jury against these defendants, and was and is calculated to cause the jury, and in the light of the verdict did

cause the jury to convict these defendants on the charge of persuading said girls to leave New Orleans and go to Beaumont for an immoral purpose, more for the reason that the defendant, Effie Hoke, enslaved them in a house of prostitution in Beaumont against their wills, than for persuading them to leave New Orleans and take an interstate journey to Texas.

8. Because said testimony is hearsay, especially as to the defendant Economides, who was in New Orleans at the time of the transaction spoken of.

9. Because said testimony is a recital by the witnesses of what took place after the complete commission of the offense with which the defendants are charged.

10. Because said testimony, if it constitutes any offense, is one against the laws of Texas and not against the laws of the United States.

11. Because the allegations in the indictments do not put the defendants upon notice that such testimony as herein set out and objected to would be offered against them, and affords them no opportunity to rebut it.

12. Because proof of the matters herein set out occurring after the arrival of the witnesses in Beaumont, beyond the mere fact that they followed the business of prostitution, was and is not necessary to sustain the Government's case as charged in the indictment, and the only purpose which it could or did serve was to arouse the passions of the jury against the defendants, and to so blind them with prejudice against them that they the jury could not, and in the light of the verdict did not give them a fair and impartial trial upon the specific charge laid in the indictment.

And in this connection the court erred in failing and refusing to give the following specially requested instruction for the defendants, and since the matter was called to the court's attention by said specially requested charge, it erred in failing and refusing to embody the matters therein set forth and suggested, in its main

charge; said specially requested charge being as follows, to-wit:

1. "You are further instructed that you cannot convict the defendant Economides for keeping a wine room in New Orleans, nor for any act he did, nor for any character of business he may have engaged in; and you are further instructed that you cannot consider such evidence except for the purpose of showing the situation of the parties and shedding light on the specific acts charged in the indictment herein, if in your opinion it does shed light upon the same, in other words, if you do not believe from the evidence beyond a reasonable doubt that defendant Economides did the acts charged in the indictment, then you will acquit the defendant notwithstanding you may disapprove of the business in which he is engaged in the City of New Orleans, and I further instruct you that you will not allow the fact that defendant is the keeper of a wine room frequented by public women or prostitutes to in any way influence you in passing upon the defendants guilt or innocence, except as herein charged.

. "And I further charge you that you cannot convict the defendant Effie Hoke for keeping a bawdy house in Beaumont, nor can you convict her for attempting to have the girls arrested for taking their clothes away without first paying the debt due the defendant, nor can you convict defendant Effie Hoke for any act or thing she did or may have done in the City of Beaumont, Texas, and you are further instructed that you cannot consider such evidence, except for the purpose of showing the situation of the parties and shedding light upon the specific act charged in the indictment herein, if in your opinion it does shed light upon the same, in other words, if you do not believe from the evidence beyond a reasonable doubt that defendant Effie Hoke did the acts charged in the indictment then you will acquit the defendant, notwithstanding you may disapprove of the business in which she is or was engaged in Beaumont; and I further instruct you that you will not allow the

fact that defendant Effie Hoke was the keeper of a bawdy house to in any way influence you in passing upon the defendant's guilt or innocence except as herein charged."

3. Because the court had allowed the United States District Attorney on his direct examination of the alleged injured parties whose names are set forth in the indictment, viz: Florence, Gertrude and Annette Baden, alias Hays, over the objection of defendants to prove that after their arrival in the defendant Effie Hoke's house in Beaumont, she detained and enslaved them in a house of public prostitution and to a life of shame and degradation against their will, which facts not constituting any part of the proof necessary to sustain the government's case as alleged in the indictment, and the same being highly prejudicial and calculated to arouse the passion of the jury against the defendant, and in the light of the verdict did so arouse them, it was the duty of the court to withdraw from the consideration of the jury such evidence, in so far as it was within the power of the court to do so after the court had permitted the same to go before the jury.

The court erred in refusing to give to the jury the defendants' special charge in substance and effect as follows:

"All the testimony introduced by the government in this case for the purpose of showing or tending to show that subsequent to the arrival of the three girls in question in the City of Beaumont that Effie Hoke did for the purpose of detaining them in her house, purchase clothing and other articles not needed or desired by them and thereby kept them in her debt is hereby withdrawn from you and you will not consider said testimony or any part thereof for any purpose whatever," because:

(1). The same is incompetent, irrelevant, and immaterial in that it does not constitute any part of the proof of the government's case as charged in the indictment, beyond the mere fact that they practiced prostitution

after their arrival in Beaumont which was proved with objection on the part of defendants;

(2). Such testimony was highly prejudicial to these defendants, was calculated to and did inflame the minds of the jury against them, and because of proof of the enslavement of said girls after their arrival in Beaumont, tended and did in fact cause the jury to lean most strongly against them and largely contributed to their conviction;

(3). Such testimony could not in any manner bind defendant Economides, he not having been shown to have been present at such time, or in any manner a party to such enslavement.

In this connection the court further erred in not covering the matter referred to in said special charge as hereinbefore set out in said main charge, especially in view of the fact that said special requested charge called the matter to the court's attention. (See p. 416, Tr. of Rec., Bill of Exception No. 9, p. 379; Bill of Exception No. 7, p. 375; Bill of Exception No. 4, p. 367).

PROPOSITION UNDER FIFTH ASSIGNMENT OF ERROR.

It is reversible errors to admit evidence, not constituting any part of the proof of the offense alleged in the indictment and calculated only to arouse the passion and the prejudice of the jury against the defendants.

The above assignment contains a correct statement of the facts, being the same found in the Bills of Exceptions reserved by the defendants. (See Bill of Exceptions No. 9, p. 379; Bill of Exception No. 7, p. 375; Bill of Exception No. 4, p. 367).

ARGUMENT.

The offense with which defendants are charged is that they persuaded three girls to take an interstate jour-

ney from New Orleans, La., to Beaumont, Texas, for the purpose of prostitution, an offense which was completed in all its essentials the moment the girls alighted from the train at Beaumont and before they ever set foot in Effie Hoke's house. It was not necessary for the government to prove that they engaged in the business of prostitution after their arrival in Beaumont. Granted however, for the sake of argument only, that it was necessary to make such proof, the government did prove it without objection from the defendants, in fact, the defendants offered to and did admit such fact. But the government, not content with making proof that the girls engaged in prostitution after their arrival in Beaumont, Texas, not content with defendant's admission, and offer to admit such fact, were permitted by the court, over the strenuous and repeated objections of defendants, to prove that after their arrival in Beaumont they were **ENSLAVED** by defendant Hoke against their wills by every trick and device to a life of prostitution; that when at last, unable longer to endure the degraded and degrading life they clandestinely left defendant's premises, she caused them to be hunted down by policemen, arrested and detained within the four walls of a prison on a charge of vagrancy.

We ask this court:

Was such proof necessary?

Did it constitute any part of the proof of the government's case as alleged in the indictment?

Was it not a gratuitous, flagrant invasion of the rights of defendants?

Was not such evidence, undisputed, and bolstered up by the testimony of police officers, calculated to arouse the passions of the jury?

If this testimony, of which we complain, going far beyond the mere fact that the girls engaged in prostitution after their arrival in Beaumont, related to matters occurring after the completion of the offense charged and constituted no part of the proof of the government's case,

then it was immaterial, inadmissible, incompetent, and if added to its immateriality and inadmissibility, it was also inflammatory, and such as would arouse the passions of the jury, then the defendants have not had that fair and impartial trial contemplated by law.

Where testimony is wrongfully admitted, and it is of a nature calculated to arouse the passions and prejudice of the jury, the legal presumption is always that it did have such effect.

Would the mind of the jury, warped by prejudice and aflame with passion against a defendant, stop to consider contradictions in the testimony of the prosecuting witnesses in passing on their credibility, such as the following:

Testimony of Annette Baden.

(Page 47).

"Q. Did you stay in New Orleans at any time without working for any one?

"A. Yes, sir, I stayed with my aunt.

"Q. What is your aunt's name?

"A. Mandy Baden.

(Page 48).

"Q. Where does she live?

"A. On Tulane Avenue.

"Q. Any other place. Think for a long time and see if you can think of your aunt's address?

"A. I cannot think of the address right now, it is on Tulane and Banks.

"Q. How long did you live there?

Testimony of Florence Baden.

(Page 106).

"Q. You had quite an elaborate spread?

"A. Yes, sir, and my aunt was in there at the time.

"Q. What is her name?

"A. Branch.

"Q. What is her husband's name?

"A. Jack Wolfe.

"Q. What is her first name?

"A. Branch. She is married again now.

"Q. What was her name then?

"A. Wolfe.

"Q. She is married again now and her name is Branch?

"A. Yes, sir.

"Q. Then your aunt Mrs.

"A. I guess about three months. Wolfe was in there at the time?

"Q. What does your aunt's husband do?

"A. He is a carpenter.

"Q. What is his name?

"A. J. G. Baden—John Baden.

"Q. What is his middle name?

"A. John Gauley.

"Q. How old a man is he?

"A. About 26.

"Q. How long has Mr. Baden lived in New Orleans?

"A. He moved there about three years ago from Tennessee.

"Q. You didn't like to stay at Baden's house because you could not sport around and stay up until two or three o'clock in the morning and go to assignation houses?

"A. No, sir, because sister Gertrude wanted to stay there, and I knew it would be too much for both of us to impose on my aunt and I left.

Wolfe was in there at the time?

"A. Yes, sir.

"Q. How many aunts have you in New Orleans?

"A. Three, one is Branch and the other two are my father's brother's wives. There are two named Baden. He had two brothers married.

"Q. Your father's Brother's wives?

"A. Yes, sir, we have two uncles there.

(Page 106).

"Q. What is there names?

"A. Baden.

"Q. One is Branch and the other two are Baden?

"A. Yes, sir.

"Q. You have two aunt Badens?

"A. Yes, sir.

"Q. Where does Mrs. Branch live?

"A. On State Street, 608 State Street and the corner of Patton.

"Q. Where does the other aunt live?

"A. On Dupree Street.

"Q. Why does it take you so long to tell?

"A. I have to think of it. She boards on Dupree.

(Page 107).

"Q. Whereabouts on Dupree Street?

"A. That is a long Street, 1108.

"Q. Which one of the Badens live at 1108 Dupree Street?

"A. Mrs. G. Baden.

"Q. Any other initials?

"A. That's all.

(Page 108).

"Q. Just G. Baden?

"A. Yes, sir.

"Q. Where does your other aunt live?

"A. She had just moved to town, I do not know where she lived then.

"Q. You don't know where she lived?

"A. She lived near Lafayette Square, she had just moved to town, and I did not go around my relatives, not all of them.

"Q. What is her name? What is your other aunt's name?

"A. Baden.

"Q. What is her other name?

"A. C. Baden.

"Q. How old is Mrs. C. Baden?

"A. She is 24.

"Q. How old is Mrs. G. Baden?

"A. She is 30 something.

"Q. What does her husband do?

"A. He is a whiskey drummer.

"Q. Mrs. G. Baden's husband?

"A. Yes, sir.

"Q. He is a whiskey drummer?

"A. Yes, sir.

"Q. What are his initials, Mrs. G. Baden's husband's initials?

"A. His name is G.

"Q. Is that all?

"A. Yes, sir, George.

"Q. What is the name of the husband of Mrs. C. Baden?

"A. Charles?

(Page 108).

"Q. What does he do?

"A. He is a saloon man.

"Q. Are you not mistaken and is it not a fact you have only one aunt in New Orleans, and her name is J. G. and her husband is a carpenter?

"A. He is a bartender and carpenter, he can do either one.

"Q. You are sure his name is Charles?

"A. Yes, sir.

"Q. He is not following the carpenter's trade, is he?

"A. I don't know what he is doing.

"Q. Is he following the business of a bartender or the business of a carpenter?
Mr. Ownby:—We object as immaterial.

Objection sustained.

Testimony of Gertrude Baden.

(Page 142).

"Q. How many Aunts have you in New Orleans?

"A. Two.

"Q. What are their names?

"A. One is Branch and the other is the same as ours, Baden.

"Q. What does Mrs. Branch's husband do?

"A. I don't know. My other uncle works on the railroad somewhere.

"Q. You mean Mr. Baden?

"A. Yes, sir.

"Q. He works for the Railroad Company?

"A. Yes, sir.

"Q. What is his name?

"A. J. G. Baden.

(Page 144).

"Q. You are sure you never had any relatives living in New Orleans except the two aunts you have named?

"A. That's all I remember living there.

(Page 145).

"Q. Have you more than one aunt by the name of Baden?

"A. I have some in Covington, that is the only one in New Orleans.

"Q. Is it possible you could have forgotten your other aunt?

"A. I have no other aunt there by the name of Baden.

"Q. You have only one aunt there by the name of Baden?

"A. Yes, sir.

(Page 150).

"Q. Did you go and get your suit case before you left?

"A. No, sir, I did not bring a thing with me.

Testimony of Annette Baden.

(Page 63).

"Q. I understand you to say that you stayed at Economide's and drank mixed drinks until you got in the taxicab and then went to the depot?

"A. Yes, sir.

"Q. Where did you get the suit case from?

"A. I sent for my suit case Sunday afternoon, it was too late to go to my boarding house, and I sent my suit case down to Anna's and I went to get my suit case Monday evening when I passed Economide's. I had started to the house to get it when I passed Economide's. I went to the theatre Sunday evening.

"Q. You got to the city Sunday evening?

"A. Yes, sir.

"Q. Instead of going home you went to the theatre?

"A. Yes, sir.

(Page 64).

"Q. You had been out to visit your aunt in the country?

"A. Yes, sir.

"Q. Who did you go to the theatre with, did you go with Ouida?

Testimony of Florence Baden.

(Page 80).

"Q. When did you come to Beaumont?

"A. About the Fourteenth of November.

"Q. Where were you living prior to that time?

"A. I was living in New Orleans.

"Q. Do you remember the day you left New Orleans?

"A. Yes, sir.

"Q. Where had you been the week before that?

"A. At Pass Christian.

"Q. Who with?

"A. My sister Annette.

"Q. When did you take the name of Hays?

"A. When I came to Beaumont.

"Q. When did you decide to take that name?

"A. In New Orleans after we met Miss Effie and thought we were coming over here.

"Q. You had no idea in the world that Effie Hoke was running a bad place?

"A. No, sir.

"Q. What was the object in changing your name?

"A. I did not want to go by the same name. Annette fell out with my aunt and she changed her name to Hays.

"A. No, sir.

"Q. Did you go with Anna?

"A. No, sir, I went with Florence.

"Q. Did your sister Florence meet you at the train that night?

"A. Yes, sir.

"Q. What time did the train come in?

"A. Eight o'clock.

"Q. Did you telephone her to meet you?

"A. Yes, sir, I 'phoned her and told her I was coming back and to meet me at the train.

"Q. Who suggested going to the theatre?

"A. I did, on the train.

"Q. Was she on the train with you?

"A. No, sir, I had a friend on the train with me from this town.

"Q. After you went to the theatre you went to the wine room and had lunch?

"A. No, sir, we left the theatre and went to the boarding house, a block from Economide's and stayed there, sister Florence and I.

(Page 66).

"Q. When you got back from the country were you staying at Mrs. Grinages'.

"A. Yes, sir.

(Page 103).

"Q. You came back to New Orleans on the same train that Annette came on, you and Annette came together?

"A. Yes, sir.

"Q. On the Sunday preceding the Monday you came to Beaumont.

"A. Yes, sir.

"Q. You had been to the country?

"A. Yes, sir.

"Q. Who had you visited out there?

"A. My aunt.

"Q. You came back to New Orleans that evening about 8 o'clock?

"A. No, sir, I came in Wednesday.

"Q. You didn't come in together?

"A. No, sir.

"Q. Were you on the train with Annette?

"A. No, sir, I came Wednesday and she came Sunday night.

"Q. Did you meet her at the train?

"A. Yes, sir.

"Q. How came you to me to meet her.

"A. She wrote and told mee to meet her.

"Q. Did you get a letter from her?

"Q. You tell the jury you were at her house in November, 1910?

"A. Yes, sir.

(Page 67).

"Q. Where did you have supper after the theatre Sunday night?

"A. We did not have supper.

(Page 69).

"Q. When you got in the taxicab and went to Pauline's place and to the depot, you went by Anna's and got your grip?

"A. Yes, sir.

"Q. Where did Florence go to get her grip?

"A. She did not have any grip.

"Q. Gertrude did not not have a grip?

"A. No, sir.

"Q. You were the only one that had a suit case?

"A. Yes, sir."

"A. Yes, sir, I got a letter.

(Page 104).

"Q. You and Annette were not living at the same place at that time?

"A. Yes, sir.

"Q. What place was it?

"A. We lived at Mrs. Grinages's.

"Q. Were you living there at that time?

"A. Yes, sir.

"Q. November, 1910?

"A. Yes, sir.

"Q. You left Mrs. Grinage's house that evening and went to the train and met your sister?

"A. Yes, sir.

"Q. Where did you go after you met her?

"A. I met her and went down on Church Street and St. Charles to this other room.

"Q. Where did you go to?

"A. To Church Street to a boarding house; it was too late to go to Mrs. Grinage's.

"Q. Who kept the place you went to?

"A. All I know is two sisters, Maggie and Eliza.

"Q. What time that evening did you go there?

"A. It was late; we went and got supper.

"Q. You and your sister?

"A. Yes, sir.

. . .

"Q. Where did you and your sister get supper that night?

"A. At Farbacker's.

"Q. What time of night was that?

"A. The train came in at 9:30 or 10 o'clock.

"Q. You went to Farbacker's?

"A. Yes, sir.

"Q. You and your sister and not another person?

"A. Yes, sir.

"Q. Is it a cheap place or an expensive place?

"A. The best restaurant in New Orleans.

"Q. The most expensive in New Orleans?

"A. Yes, sir.

"Q. You were working girls?

"A. Yes, sir.

"Q. How much were you getting a week?

"A. Eight dollars.

"Q. And then after you had supper where did you go?

"A. It was then near 12 o'clock.

"Q. It took you from 10 o'clock to 12 o'clock to get your supper?

"A. Yes, sir, some of my friends came there.

(Page 120).

"Q. When you say you met your sister at the train and that the train did not come in until 9:30 or 10 o'clock and went to the restaurant and stayed till 12, and went to bed at a place run by Eliza and Maggie, are you not mistaken?

"A. No, sir.

"Q. I asked you if she went to the theatre the night she came from the country?

"A. No, sir.

(Page 125).

"Q. You left New Orleans that night with a suit case or grip containing clothes?

"A. Yes, sir, we did, each of us had a suit case.

"Q. I want to give you a chance to correct this if you want to. Do I understand you to tell the jury and are you positive that each of you had a suit case when you left New Orleans Monday night to come to Beaumont?

"A. Yes, sir.

(Page 116).

"Q. You were in New Orleans just five months?

"A. I was there off and on since 1907.

"Q. What did you do the balance of your time?

"A. I was staying with my people.

"Q. Tell us who you stayed with.

"A. With my grand-mother and my other aunts.

"Q. You have only accounted for five months of your time in New Orleans, beginning with 1907.

"A. I stayed around from one to the other.

"Q. Is it not a fact that the reason you make that statement is because you were in a sporting house?

"A. No, sir, I was not.

"Q. And want to conceal that fact from the jury?

"A. No, sir.

"Q. Tell the jury where you stayed the balance of your time in New Orleans?

"A. I was with my aunts and grand-mother.

Testimony of Mrs. J. R. Grinage for defendants. (Page 166-167).

"Q. Do you know Annette, Florence and Gertrude Baden?

"A. Yes, sir.

"Q. Did those girls ever stop at your house?

"A. Yes, sir.

"Q. Do you remember when that was?

"A. That was in July some time.

"Q. Did they ever stop at any other time in your house?

"A. No, sir.

"Q. Were they in your house in October or November, 1910?

"A. No, sir.

"Q. The only time they stopped in your house was the first three weeks in July, 1910?

"A. Yes, sir."

We believed the alleged injured girls were prostitutes in New Orleans. We tried to make them admit facts from which the jury might draw such conclusion, which would bear strongly on the probability that they came to Beaumont, seeking greener pastures, of their own free will, without any persuasion on the part of the defendants.

On the other hand, they denied they were prostitutes before coming to Beaumont; and their motive for concealing the names of the keepers of their stopping places and the location thereof, was the knowledge that the character of such places was bad and that their characters would be unerringly judged accordingly. For this reason, the inquiry as to where they lived, and their answers became material.

They concealed, and endeavored to conceal their former mode of life, and to this end it became necessary to avoid divulging the names of the keepers of the houses and the location thereof, in which they plied their vocation. Questioned, out of the presence of each other, about where they lived in New Orleans and with whom from 1907 until November, 1910, when they came to Beaumont, their ingenuity invented many "aunts." The fact, (as shown by their testimony quoted above), that they did not tell the same story as to the number of their aunts, the street and number of their houses, their names and the names and occupations of their aunt's husbands, and the length of time they stayed with each, and where they stayed when not at one of the aunt's houses, is proof of the falsity of the "aunt" story and from this fact the jury could have deduced the further fact that the motive for such falsehood was to keep from disclosing their true status in New Orleans, and the only inference we can

draw from the jury's failure to draw this conclusion, and to acquit, is that they were so enraged against the defendants by reason of the evidence of their enslavement to a life of shame after their arrival in Beaumont that they could not and did not give all the evidence calm and dispassionate consideration. The jury might otherwise have considered, as bearing on their credibility the wide variance between the testimony of Florence and Annette, as to what they did and where they went the night before meeting Effie Hoke, as well as the variance between their testimony and that of Mrs. Grinage.

How could the jury be expected to draw distinctions between proof of the act charged in the indictment, and those things which constituted no part of such proof when the court did not. The court let it all in and the jury considered it. The jury convicted defendants for enslaving these girls in Beaumont on an indictment which charged them with inducing them to come to Beaumont.

DEFENDANT HOKE'S SIXTH ASSIGNMENT OF ERROR.

The court erred in refusing to permit the defendant to ask, and the witness Florence Baden alias Hays, to answer the following question:

"Q. Is it not a fact that when you arrived in Beaumont you were treated by a Beaumont physician for a venereal disease which you had contracted in New Orleans?"

Said witness at the time being a witness for the government and was then and there being cross examined by defendants.

And in this connection the court erred further in refusing to permit the defendants to prove by Dr. J. H. Reagan, a practicing physician in Beaumont, that in the month of November, 1910, and within a day or so after the arrival of the witness Florence Baden in Beaumont

* * * he treated the said Florence Baden for a venereal disease. * * *

Because said testimony offered by defendants was material and relevant in this: If the witness Florence Baden had denied that she had contracted a venereal disease in New Orleans, for which she was treated after her arrival in Beaumont, the defendants could and would have contradicted her by Dr. Reagan, or if she had admitted it, it would have been a circumstance tending to establish the fact that she was a common prostitute in New Orleans * * * a fact from which the jury could and would have concluded that she came to Beaumont by reason of her own free will and desire and not because of any persuasion, and this is especially true because it was established by the evidence in this case beyond dispute that the earning power and the compensation of public prostitutes in Beaumont is much greater than in New Orleans." (Pages 420-421, Tr. of Rec.; see Bill of Exceptions No. 6, p. 373).

And in this connection, the court further erred in refusing to permit the witness Annette Baden, a witness offered on behalf of the United States, one of the persons defendants are charged with having persuaded to take the interstate journey described in the indictment, while upon cross examination by the defendants, to answer the following question:

"Q. I will ask you if it is not a fact that you and Ouida Landry in the City of New Orleans, prior to coming to Beaumont, were not engaged in the business of soliciting the patronage of men for the purpose of prostitution, and is it not a fact that you followed that vocation around the passenger depots and on the streets?

Because said testimony would have proved, or tended to prove, that Annette Baden was a public prostitute in New Orleans before she came to Beaumont, a fact from which the jury could have inferred, that she was not persuaded or coerced to come to Beaumont for an immoral purpose but that she did so of her own free will.

(Eighth Assignment, p. 421, Tr. of Rec.; see Bill of Exception No. 2, p. 364).

And in this connection, the court erred in refusing to permit the witness Ouida Landry, a witness for the United States, on her cross examination by defendants, to answer questions propounded by defendants, calculated to elicit from her the fact that prior to coming to Beaumont she was engaged in the business of a common prostitute, and had been so engaged for several years in the City of New Orleans; that in said city she was a street walker; that she was an inmate of a house of prostitution kept by one Pauline Wilson, and one kept by a woman named Anna and one kept by a woman named May Derby.

Said testimony was admissible, relevant and material in this: "That while the witnesses, Florence, Gertrude and Arnette Baden denied that they were public prostitutes in New Orleans, they admitted that they were the friends and associates of the said Ouida Landry in said city prior to the coming to Beaumont; that Ouida Landry came to Beaumont shortly before they did, and that before coming to Beaumont they knew that Ouida Landry was in the City of Beaumont—facts from which the jury would have been authorized to conclude that the said Baden girls were also prostitutes in New Orleans prior to coming to Beaumont, a fact from which they could have drawn the further conclusions that they came of their own free will and were not persuaded or coerced to come." (Ninth Assignment of Error, pp. 421-422; see Bill of Exception No. 5, p. 370).

PROPOSITION UNDER ABOVE ASSIGNMENT OF ERROR.

Any testimony is admissible which sheds, or tends to shed light upon any issue in the case.

STATEMENT UNDER FOREGOING ASSIGNMENT AND PROPOSITION.

Annette Baden claimed that while she lived in New

Orleans for a period of two years she was a working girl. (pp. 17-18, Tr. of Rec.). She claimed that when she left New Orleans she did not know or understand that she was going to a house of prostitution in Beaumont. (p. 27, 12th question, Tr. of Rec.). She admitted that she knew Ouida Landry in New Orleans. (page 54).

Florence Baden claimed to be a working girl. (page 80).

Page 89. Questioned by United States District Attorney:

"Q. Were you a virtuous woman when you left New Orleans?

"A. Yes, sir.

"Q. At that time had you ever lived in a house of prostitution?

"A. No, sir.

"Q. Were you working in a moving picture show?

"A. Yes, sir.

"Q. Did you understand me, you were not a virtuous girl when you left New Orleans?

"A. No, sir.

"Q. Since you have been in Beaumont you have been a public prostitute?

"A. Yes, sir.

"Q. You are a public prostitute now?

"A. Yes, sir."

She claimed that when she left New Orleans she did not know she was going to a sporting house in Beaumont, (page 86), and that when she got to Beaumont and found she was in a sporting house she wanted to leave and was not permitted to do so. (page 87). She admitted that she knew Ouida Landry in New Orleans but denied that Ouida was a sporting girl there, (page 122).

Ouida Landry denied that she followed the business of a prostitute in New Orleans. (Page 193, Tr. of Rec.).

By reference to Bill of Exception No. 3 on page 364 and Bill of Exception No. 6, on page 373 of the Transcript of Record, it will be seen that the District Attorney object-

ed to the questions on the part of defendants to prove that the girls in question were prostitutes in New Orleans before coming to Beaumont, on the ground that such inquiry was wholly immaterial, and this objection being sustained by the court, the defendants were shut off from proof of all facts or circumstances that proved or tended to prove that they were prostitutes in New Orleans.

Now, the question is, was such inquiry material? If the defendants had been allowed to ask Florence if she had a venereal disease when she arrived in Beaumont; if they had been allowed to ask both Florence and Annette, or either of them, if they associated with prostitutes; if they solicited men to acts of illicit intercourse at the depots in New Orleans; that they lived in, and frequented assignation houses; and if the defendants had been allowed to prove, by other witnesses, in the event the said girls answered said questions in the negative, that they did live in and frequent assignation houses; that they were street walkers; that they did solicit men at the depots; that they did live in and frequent assignation houses; that they associated with prostitutes and that they had the reputation of being public prostitutes in New Orleans prior to coming to Beaumont, not only would it have borne on their credibility as witnesses, but if the jury had believed from such proof that they were prostitutes at and prior to the time they claim to have been persuaded to come to Beaumont, from this fact, in connection with the further fact that prostitutes received a higher rate of pay in Beaumont than in New Orleans; that their friend Ouida Landry was then in Beaumont, (a fact they probably and doubtless did know) the jury could have drawn the conclusion that these girls came to Beaumont of their own free will, without persuasion on the part of anyone. In this way, the testimony rejected by the court bore directly on the issue. If the alleged injured females came to Texas of their own free will, if the alleged acts of defendants were not the cause of their coming, then defendants would not be guilty.

Now, to determine the state of the girls' minds in this respect, their status in New Orleans and all the surrounding facts and circumstances was a most material matter of inquiry. Persuasion in this case—like malice in murder—a state of mind—can only be fairly determined from a knowledge of all the facts; and every fact or circumstance, that sheds, or tends to shed light upon it, is admissible.

The government was permitted to prove by the girls themselves that they were not prostitutes in New Orleans, drawing a distinction between prostitutes and girls who had been guilty of one or more acts of illicit intercourse with a "friend."

Was it not material for the defense to contradict their testimony; to show that in fact they were prostitutes in New Orleans?

We think so, for the reason stated.

When a woman denies that she was a prostitute the way and the only way, in the nature of things, to contradict her, and to prove that she was, in fact, a prostitute, is (a) by ascertaining her lodging place and its character and reputation, (b) by proving that she frequented certain houses and that such houses were places of assignation, (c) by showing who she associated with, and the mode of life and reputation of such associates, (d) by her habits.

When the defendants undertook to prove by Ouida Landry herself on cross examination that she, Ouida, was an inmate of May Derby's and Pauline Wilson's houses in New Orleans, the court itself stopped the inquiry, as shown by the following quotation from page 193 of the record:

The Court: "I have excluded that. I don't think that line of inquiry admissible. I think the general statement the witness has made as to her vocation gives the jury an opportunity to weigh her testimony. I will not permit any other testimony along that line. I will give you a bill as to that."

Mr. Howth: "I will state what I expect to ask her. The defendant, Effie Hoke, while interrogating witness as to the different houses of assignation and prostitution in which she had lived as an inmate in New Orleans for several years before she came to New Orleans, or to Texas, I mean, was stopped by the court, and the court would not permit him to ask such questions, and for the purpose of taking a bill of exceptions to the court's ruling, defendant's counsel proposes to ask the witness Ouida Landry if she was not an inmate of a house of prostitution in New Orleans before she came to Texas in November, 1910, to-wit: The House of Pauline Wilson, and if she did not there follow the vocation of a prostitute, and the court refused to permit counsel to ask the question or the witness to answer it, and counsel for the defendant, Effie Hoke, also proposed to ask the witness if she did not live in a house of prostitution run by a woman named Anna before she lived in the house of Pauline Wilson, and if she did not in that house follow the vocation of a prostitute, and the court would not permit counsel to ask the question or witness to answer it. Counsel for the defendant, Effie Hoke, also proposed to ask the witness if she did not live in a house of prostitution and there follow the business of a prostitute in a place in New Orleans run by May Derby, and the court refused to permit counsel to ask the question or the witness to answer. And counsel also proposed to ask the witness if she was not a street walker in New Orleans for years, and if she did not frequent the depots and solicit men around the depots for the purpose of prostitution, and the court refused to permit counsel to ask the question or to permit the witness to answer the same. The defendant expected that witness would answer yes to these questions or if she did not answer yes, that it would then have laid the predicate to impeach this witness on her credibility and her truth and veracity by showing by other credible witnesses that she lived as an inmate of such places, and plied the vocation of a street walker and a public woman, all of which the court refused to permit to go before the jury, the object being to contradict her and to impeach

her credibility, and also for the purpose of showing the character of people with whom the witness Florence, Annette and Gertrude Baden associated while in New Orleans and previous to their coming to Texas, because it is admitted in the evidence that in New Orleans and prior to the time they came to Texas at the alleged instance of Effie Hoke that Florence Baden and her sisters and this witness, Ouida Landry, alias Patterson, and other aliases, were friends, associates and companions, and the defendant, Effie Hoke, also offers that testimony for the purpose of contradicting the witness Florence Baden, and Gertrude and Annette for the purpose of showing that they came to Texas of their own free will and accord, the defendant contending, that if it can be shown that these witnesses were public prostitutes for hire in the City of New Orleans, the jury would have the right to infer from that fact that they came here of their own free will and accord, and that no persuasion, coercion or inducement on the part of the defendant, Effie Hoke was used, to all of which the defendant reserves a bill of exceptions.

Mr. Luzenberg: The defendant Economides also excepts."

The Court: "The testimony was excluded by the Court because the witness now upon the stand stated in answer to a question propounded to her by the court that she had, SINCE COMING TO BEAUMONT IN NOVEMBER, 1910, and up to and including the present time, followed the vocation of a common public prostitute, the court being of the opinion that the testimony is admissible simply to effect the credibility of the witness, the court being of opinion that both the requirements of the law and public policy have been met when the witness has answered that she is a public prostitute, THE COURT BEING FURTHER OF THE OPINION THAT AS TO THE CHARACTER OF THE WITNESSES NAMED IN THE BILL OF INDICTMENT, THIS WOULD BE NO JUSTIFICATION OF THE DEFENDANTS' ACTION IF THE JURY SHOULD BELIEVE THAT SAID WIT-

NESSES WERE PERSUADED OR INDUCED TO MAKE THE INTERSTATE TRIP FOR THE PURPOSE OF PUBLIC PROSTITUTION."

Mr. Luzenberg: "Does the court hold that we can not ask the witness any questions as to her manner of living before she came to Beaumont?"

The Court: "That is my ruling, that you can not go into specific acts after she has answered as she has."

Mr. Howth: "Will the court permit me to refer back to the bill of exceptions and make it perfectly clear so there will be no misunderstanding upon the part of the court as to what my bill is directed to? I dislike to irritate the court about the matter. From the general trend of the Court's remarks in overruling it, I fear the court is laboring under a misunderstanding as to my purpose. I want to make the bill perfectly clear so there will be no misunderstanding on the part of the court. The court in sustaining the objection and replying to counsel, made the statement that he would not permit any inquiry as to specific acts or details in reference to her mode of life since she had come to Texas. The question which I wanted to ask the witness and which I proposed to ask her did not relate to specific instances of her life in Texas, or as to her vocation here at all, but it refers back to a prior time, and to the time in New Orleans prior to the time it is alleged that Effie Hoke persuaded the girls to come to Texas."

The Court: "You can prove by this or any other witness that the three Hays women mentioned in the bill of indictment were common prostitutes before they came to Texas, if you want to."

Mr. Howth: "She would probably deny that. I am trying to prove that fact by the witness by circumstances by showing that she herself lived in a house of assignation prior to coming to Texas."

The Court: "That would not be admissible. If you can prove by this witness that the Hays girls were prostitutes before coming to Texas, you can prove that. I don't think

you have the right to inquire into specific instances of this witness' life, since she has admitted that she was a prostitute. I will exclude the testimony."

Mr. Howth: "I want to prove where she lived in New Orleans prior to the time Effie was charged with this offense, for the purpose of connecting that with proof of the other fact that she and the Hays girls were intimate friends and were friends of Economides, and prove in that way that the Hays women were prostitutes. The court must know that we can prove any fact by circumstantial that we can prove by direct evidence."

The Court: That can go into your bill."

The court in qualifying the bill (p. 372) says:

"The court was of the opinion that the questions propounded tended to elicit particulars of the witness's life, which were not material as to her credibility, after she admitted that she was a public prostitute at the time of the trial and had been since she came to Beaumont. The court stated to counsel for defendants at the time that they would be permitted to prove by this witness or any other witness that the Baden girls were prostitutes before they come to Beaumont."

In ruling upon the admissibility of this evidence in the presence of the jury the court remarked, as follows:

"The court being further of the opinion that as to the character of the witnesses named in the bill of indictment, this would be no justification of the defendants' action (meaning, proof that the Baden girls were prostitutes in New Orleans prior to coming to Beaumont) if the jury should believe that said witnesses were persuaded or induced to make the interstate trip for the purpose of public prostitution."

Now, while we agree with the court that proof that the Baden girls were prostitutes in New Orleans, would not justify the defendants if the jury believed they were persuaded by the defendants to make the trip, would not such proof have some weight with the jury in passing on the question of whether or not they were persuaded. The

court erred in excluding such proof for all purposes but should have admitted the proof, not as a defensive matter in itself, not in justification of defendants' acts, but as bearing on the question of persuasion..

If it was admissible to prove that the Baden girls were prostitutes before they come to Beaumont then it was competent to prove it by circumstantial as well as by direct evidence—and the proof rejected was certainly a circumstance, or at least a link in a chain of circumstances tending to prove such fact, nor can such proof be rightfully excluded on the ground that "the question propounded tended to elicit particulars of the witness' life"—The proof that Ouida Landry lived in an assignation house in New Orleans may be a "particular" of her life, but it also proves that she was a prostitute; and if she and the Baden girls were friends during such time, it also tends to prove that the Baden girls were prostitutes before coming to Beaumont.

It was proved that the earnings of lewd women in Beaumont is greater than the earnings of such women in New Orleans; that New Orleans is overrun with such women; that they often go hungry and ragged. It was proved that Ouida Landry preceded the Baden girls to Beaumont by several days. It was proved that the Baden girls and the Landry girl were acquaintances and friends in New Orleans—coupled with all these facts the defendant undertook to prove that the Landry girl was a prostitute prior to coming to Beaumont, as a circumstance from which the jury might deduce the further fact that the Baden girls were also prostitutes prior to coming to Beaumont. If this be not a logical conclusion then there is nothing in the century old adage that people are judged by the company they keep.

In qualifying the bill of exceptions (Bill No. 3, p. 365) reserved to its ruling in refusing to permit Annette Baden to answer the question as to whether she and Ouida Landry solicited men at the depots in New Orleans, the court says:

"The objection was sustained not only because it was immaterial and irrelevant but because the subject matter had been thoroughly gone over showing she was not a virtuous woman."

The District Attorney had these injured girls to deny that they were "prostitutes" but to admit that they were "not virtuous" prior to coming to Beaumont, but certainly, it cannot be argued that defendants should be shut off from proof that they were prostitutes merely because they admitted they were "not virtuous," especially since the prosecution drew such sharp distinction between the two conditions while before the jury, nor should defendant have been denied the right to make this proof because the witness had already been severely cross examined, nor because the subject matter had been thoroughly gone over showing she was not a virtuous woman. It was not claimed at the time of the trial that such question was objectionable on any ground except its alleged immateriality. It is not claimed that witness was permitted to answer the question either negatively or affirmatively, as she should have been required to do, so that if she answered in the affirmative such answer would establish the fact that she was a prostitute before coming to Beaumont; if she answered in the negative the defendants would then have had an opportunity to impeach her.

During the trial of this case, when the court interfered and would not allow the witness Ouida Landry to answer our question if she was not an inmate of a certain assignment house in New Orleans, before she come to Beaumont and before the Baden girls came to Beaumont, we protested to that court then, and we protest to this court now that such testimony was admissible as a circumstance tending to prove that the Baden girls were prostitutes before coming to Beaumont because of their association together in New Orleans; and that every fact or circumstance proving or tending to prove, or shedding light upon their true status and situation in New Orleans before coming to Beaumont should have been permitted to be offered in evidence before the jury to be by them con-

sidered in this case, i. e., whether the girls were persuaded to come to Beaumont or whether they came of their own free will. While it is ~~as much~~ an offense to entice or persuade a prostitute to take an interstate journey for the purpose of prostitution, yet it is not at all probable that a prostitute would need any persuasion to take such journey for such purpose.

We earnestly contend that the trial court committed an error against these defendants for which this court should reverse and remand this case, in excluding the evidence—circumstantial as it may be—that the Baden girls were prostitutes in New Orleans, because such evidence was admissible upon the question whether they were persuaded or coerced to take the journey or whether they did so of their own free will.

If these girls had been virgins, the government would have offered to prove it and the court would have admitted it as a circumstance to prove that there must have been persuasion to induce them to leave home and virtue to enter a life of deepest shame. On the other hand, we claim these girls were prostitutes in New Orleans, and that every fact and circumstance tending to prove it should have been admitted, to show that they were not persuaded or coerced; that there was on their part and intent and will, a motive and object to come to Beaumont, to follow the same business they had been following in New Orleans because of the greater rewards in Beaumont. If this court were called upon to pass upon this question as one of fact it would welcome an inquiry into all the surrounding facts and circumstances of the girls' lives in New Orleans, their habits, their associates, their lodging places, etc., and every "particular of their lives," as an aid to its determination and in fairness to these defendants, such "particulars" should have been permitted in this case. The court, during the trial, excluded all this evidence as immaterial, but after the trial—away from the excitement of the court room—and out of the presence of the jury—in qualifying the bill of exceptions says: It not only rejected the proof because it was

immaterial, but because it elicited "particulars" of the witness' life."

We asked the trial court then and we ask this court now

Is there any way to prove that a woman is a prostitute (when she denies the fact) except by showing "particulars of her life?" That the witness lived in a house of prostitution may be a "particular of her life," but it also proves that she is a prostitute. That she loitered about a depot and solicited men to have carnal knowledge of her for hire may be a "particular of her life," but it proves that she is a prostitute. That during the working hours of daylight he wears a leather apron; that his face is smutted; that he has been seen to hammer red-hot iron and work the handle of a bellows are "particulars" of his life, but it goes far toward proving that he is a blacksmith. How can you prove that she followed an outlawed vocation plied clandestinely, without showing "particulars of her life"—a disreputable lodging place—approaching strangers at depots—living without visible means of support—walking the streets at unseemly hours, and other facts inconsistent with a life of virtue.

It is certainly a new doctrine which the court announces in this case that a fact may not be proven by circumstantial evidence.

Referring again to our third assignment of error, in which we complain of the court instructing the jury to convict if they believed Florence persuaded Gertrude as the agent of defendants, we suggest to this court that in this connection the trial court further erred in ^{no} designating Florence as an accomplice, whose testimony should be corroborated.

We urge the unconstitutionality of the law under which the indictment was drawn and the conviction had in this case, but in the event the court should hold the law constitutional, then we submit the case should be reversed and remanded for the errors herein assigned.

The propositions herein stated are merely statements of fundamental principles of law and we deem it unnecessary to cite authorities.

C. W. Howth

Of Counsel for Defendant
Effie Hoke.

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In the Supreme Court of the United States

WRIT OF ERROR FROM THE DISTRICT COURT OF
THE UNITED STATES FOR THE EAST-
ERN DISTRICT OF TEXAS.

EFFIE HOKE AND BASILE ECONOMIDES,
Plaintiffs in Error

vs.

THE UNITED STATES OF AMERICA,
Defendant in Error.

Brief and argument of the plaintiff in error, Basile
Economides, by his counsel, Mr. Hal W. Greer.

STATEMENT OF THE CASE.

By bill of indictment containing three counts, the Government brings this prosecution under the Act of June 25, 1910, known as the "White Slave Act" as contained in the published laws of the United States of 1910, and beginning on page 825. The indictment is drawn under sections 2, 3 and 4 of the Act, and it is unnecessary to consider the other sections.

These three sections read as follows:

"Sec. 2. That any person who shall knowingly transport or cause to be transported, or aid or assist in ob-

taining transportation for, or in transporting, in interstate or foreign commerce, or in any Territory or in the District of Columbia, any woman or girl for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose to induce, entice, or compel such woman or girl to become a prostitute or to give herself up to debauchery, or to engage in any other immoral practice; or who shall knowingly procure or obtain, or cause to be procured or obtained, or aid or assist in procuring or obtaining, any ticket or tickets, or any form of transportation or evidence of the right thereto, to be used by any woman or girl in interstate or foreign commerce, or in any Territory or the District of Columbia, in going to any place for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose on the part of such person to induce, entice, or compel her to give herself up to the practice of prostitution, or to give herself up to debauchery, or any other immoral practice, whereby such woman or girl shall be transported in interstate or foreign commerce, or in any Territory or the District of Columbia, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding five thousand dollars, or by imprisonment of not more than five years, or by both such fine and imprisonment, in the discretion of the court.

"Sec.3. That any person who shall knowingly persuade, induce, entice, or coerce, or cause to be persuaded, induced, enticed, or coerced, or aid or assist in persuading, inducing, enticing or coercing any woman or girl to go from one place to another in interstate or foreign commerce, or in any Territory or the District of Columbia, for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose on the part of such person that such woman or girl shall engage in the practice of prostitution or debauchery, or any other immoral practice, whether with or without her consent, and who shall thereby knowingly cause or aid or assist in causing such woman or girl to go and to be carried or transported as a passenger upon

the line or route of any common carrier or carriers in interstate or foreign commerce, or any Territory or the District of Columbia, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine of not more than five thousand dollars, or by imprisonment for a term not exceeding five years, or both at the discretion of the court.

"Sec. 4. That any person who shall knowingly persuade, induce, entice, or coerce any woman or girl under the age of eighteen years from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, with the purpose and intent to induce or coerce her, or that she shall be induced or coerced to engage in prostitution or debauchery, or any other immoral practice, and shall in furtherance of such purpose knowingly induce or cause her to go and to be carried or transported as a passenger in interstate commerce upon the line or route of any common carrier or carriers shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine of not more than ten thousand dollars, or by imprisonment for a term not exceeding ten years, or by both such fine and imprisonment, in the discretion of the court."

Defendants (plaintiffs in error) filed motions to quash the indictment on the following grounds:

First.

Because the Act of Congress of June 25th, 1910, commonly designated and known as the "White Slave Act," under which this indictment is drawn is in express violation of the Constitution of the United States, Art. IV, Sec. 2, in this: That one of the "privileges" of a citizen of a State is to travel into another State, and the "immunity" of protection from arrest in so doing, regardless of the intent or purpose of the traveler to give herself up to "debauchery" or prostitution or for any other immoral purpose after completing her journey; and another "privilege or immunity" of a citizen is to aid or assist her in obtaining such transportation, regard-

less of her purpose, intent, or object, and regardless of his purpose, intent, or object in so aiding her, or the pursuit of any occupation, whether moral or immoral, she may have upon the completion of her journey, and regardless of the purpose of the person aiding or assisting her in obtaining such transportation.

Second.

Because among the powers reserved to the States individually is that of forbidding, regulating or controlling prostitution or debauchery of their female citizens, and of prescribing any rule or rules governing the morals or immoralities of their female citizens; and the Congress of the United States cannot constitutionally aid, regulate or interfere with any of the powers so reserved to the States individually, by thus indirectly denouncing as a felony the acts of aiding and assisting one citizen by another to travel interstate with the purpose, object, or intention that the citizens so traveling at the end of the journey should engage in prostitution or debauchery or other immoral practice.

Third.

Because the enumerated constitutional power granted to Congress, and conferred by the United States Constitution, Art. I, Sec. 8, subdivision 2, "to regulate Commerce . . . among the several States," does not embrace or include the power to regulate the acts after reaching her destination of any citizen who has traveled interstate, nor the disposition of any commodity in a State after it has reached its destination; in that in any case as soon as the interstate carriage is completed the power to control the passenger or the commodity ceases as a matter of "Commerce among the States."

Fourth.

Because Congress under its delegated power "to regulate commerce . . . among the states," has no

power to make the intention or purpose of an interstate traveler, nor of any person aiding or assisting her to procure the transportation, upon reaching his or her destination, a condition precedent to his or her right to such interstate transportation where no treason against the General Government or some individual State is alleged in the indictment.

The court overruled and refused these motions, and defendants duly excepted as per their Bill of Exception No. 1, Rec. P. 13. (See also opinion of Trial Court, Fed. Rep).

Defendants further demurred to the indictment on the following grounds:

"1. Because the matters and things set out and charged against him, the said Basile Economides, in each and every count thereof do not constitute an offense against the laws of the United States.

"2. Because the matters and things in each and every count of said indictment against him, said Basile Economides, charged and set out do not constitute an offense cognizable in this Honorable Court, that said matters and things do not come within its powers and jurisdiction.

"3. That it is not alleged and charged in the first count of the said indictment that the said Basile Economides did thereby knowingly cause or aid or assist in causing the said Annette Baden, alias Annette Hays, to go and be carried or transported as a passenger upon the line or route of any common carrier or carriers in interstate or foreign commerce, or any Territory or the District of Columbia.

"4. That it is not alleged or charged in the second count of the said indictment that the said Basile Economides did thereby knowingly cause or aid or assist in causing the said Florence Baden, alias Florence Hays, to go and be carried or transported as a passenger upon the line or route of any common carrier or carriers in interstate or foreign commerce or any Territory or the District of Columbia.

"5. That it is not alleged or charged in the third count of said indictment that said Basile Economides did in furtherance of said purpose knowingly induce or cause the said Gertrude Baden, alias Gertrude Hays, a girl under the age of eighteen years to go and to be carried or transported or transported as a passenger in interstate commerce upon the line or route of any common carrier or carriers.

"6. That the allegations in said indictment in each and every count thereof are so vague, general, and uncertain, as to afford no proper notice unto him, the said Basile Economides, to plead and prepare his defense."

The Court overruled these demurrers and defendants duly excepted as per their Bill of Exception No. 1, Rec. 14-16.

The trial resulted in a verdict of guilty against both defendants on all three counts in the indictment, and they were each duly sentenced by the Court to two years imprisonment in the penitentiary on each count, or a total aggregate of six years, for each defendant. Rec. 7-11. No fine was imposed.

Plaintiffs in error now bring the cause to this Court upon the questions of the unconstitutionality of the Act and upon the various assignments of error, propositions, statements and arguments contained in the following:

BRIEF.

SUBSTANCE OF FIRST ASSIGNMENT OF ERROR.

The Court erred in overruling and refusing the motions to quash the indictment herein on the constitutional grounds therein urged.

FIRST PROPOSITION UNDER FIRST ASSIGNMENT OF ERROR.

The Act is contrary to and contravenes Art. IV, Sec. 2 of the Constitution in this: That though they are gen-

erally and justly deemed immoral, yet prostitutes, both male and female, are citizens of their respective States, with all the "privileges and immunities" possessed by any other citizen; and one of their "privileges" is to travel interstate; and so long as this privilege exists as a lawful right, it is the "privilege" and lawful right of any other citizen to aid and assist, persuade and entice, them to take the journey, regardless of their motive or purpose and regardless of the motive and purpose of the one rendering the aid, as to what they shall do or intend to do at the end of their journey.

STATEMENT.

The charging part of the indictment is substantially in the language of the statute, the charge against the defendant Effie Hoke, being the first count that she "did on the 14th day of November, A. D. 1910, in the City of New Orleans and State of Louisiana unlawfully, feloniously and knowingly persuade, induce and entice one Annette Baden alias Annette Hays, a woman, to go from New Orleans, a city in the state of Louisiana to Beaumont, a city in the State of Texas, in interstate commerce for the purpose of prostitution, etc." And in the first count as to defendant Basile Economides, "did unlawfully, feloniously and knowingly aid and assist the said Effie Hoke to persuade, induce and entice the said Annette Baden, alias Annette Hays, a woman, to go in interstate commerce . . . for the purpose of prostitution, as hereinafter set out, with the intent then and there and the purpose then and there on the part of the said Effie Hoke and on the part of him, the said Basile Economides, and with the intent and purpose then and there of each of them that the said Annette Baden, alias Annette Hays, should engage in the practice of prostitution in the said City of Beaumont, Texas, etc." The second count is the same except as to the prostitute's name who was induced to go, to-wit, Florence Baden, alias Florence Hays. The third count was the same except the name of the prostitute was Gertrude Baden, alias Gertrude Hays, and she

was alleged to be a "girl under the age of eighteen years, etc." Rec. 1-6.

The undisputed testimony shows all three of the women were prostitutes in New Orleans many months before they went to Beaumont, and that they were sisters. Whether they themselves intended to practice prostitution upon their arrival in Beaumont was a controverted fact; but the Court held it was immaterial whether they were prostitutes before taking the journey, or whether they intended to practice prostitution upon completing their journey, and so charged the jury.

AUTHORITIES.

Constitution, Art. IV, Sec. 2.

Paul vs. Virginia (8 Wall., 168) 19 L. C. Ed., 357.

United States vs. Harris (16 Otto, 629) 27 L. C. Ed., 290.

ARGUMENT OF MR. HAL W. GREER, UNDER THE FOREGOING PROPOSITION.

It may be admitted that the original purpose of Art. IV, Sec. 2, was to prevent one State, or the citizens thereof, from discriminating against the citizens of other States, and to insure universal "privileges and immunities" to all citizens alike, thus making the intent of the Article to be a limitation upon the States individually; and in fact, all the decisions I have read were predicated upon that theory, as shown by the two cases cited above as well as the "Drummers Tax" cases more recently decided.

Notwithstanding all this, I still maintain that wherever the facts call it in question the limitation or restriction applies with just as much force to any act of Congress, in that the language of the article is broad enough to give it this scope, to-wit:

"The citizens of each state shall be entitled to all privileges and immunities of citizens in the several States."

If I am right in the contention that the article applies

as a forbidden restriction just as much to Congressional legislation, as to State enactments, these two questions logically arise, to-wit:

1. Is the right to travel interstate, a fundamental "privilege and immunity" of citizenship, regardless of the moral or immoral intent of the traveler at the end of his or her journey?

2. If it is, is it not true that it is a fundamental "privilege and immunity" of another citizen to "persuade, entice, and aid and assist," the traveler to take and make such interstate journey, regardless of the intention or purpose of the traveler, and regardless of the intention and purpose of the citizen rendering the aid, etc.?

Should the Court determine both these questions affirmatively, then the Act is clearly void in that it contravenes and violates Art. IV, Sec. 2.

187 In discussing this phase of the subject, I hope it will not be deemed inappropriate for me to say that we are fortunate in having tried this case before the Judge who, as member of Congress, was chiefly instrumental in passing the Act, in this: That in his eloquent debate and constitutional argument before Congress he thoroughly exposed the purpose of the bill; as Judge in deciding it to be constitutional, he has presented its constitutionality very forcefully. (See Congressional Record of January 19, 1910, for his speech as member of Congress, and Fed. Rep., p. 992 for his opinion as Judge). In neither his speech before Congress, or his opinion as Judge does he refer to or consider Art. IV, Sec. 2 of the Constitution as having any bearing upon this subject, though on the trial before him as Judge the question was raised both in the motion to quash the indictment as well as by extended argument.

In his speech in Congress he admitted negatively the three following propositions:

1. This "White Slave Act" does not in itself attempt to define or make a crime of prostitution. I add, for the

obvious reason that this would be trenching upon the reserved, or police powers of the States individually.

2. That the Act does not forbid the carriage interstate of prostitutes, even though they be known as such. Probably the fact that they are citizens, regardless of their detestable immorality, furnishes the motive for this omission from the terms of the Act itself.

3. The Act does not prohibit the carriage interstate of a woman or girl who intends to ply the avocation of prostitution at the end of her journey, where she furnishes her own money or means of transportation. As I construe it, the omission in all three of these admissions is due to the fact that Congress realized that it did not have the power to include them, either because they would abrogate Art. IV, Sec. 2, or the reserved powers of the States individually. In either event, the basic or fundamental principle of right involved was that of the citizen to travel interstate regardless of his or her morality, or immorality, as a "privilege and immunity."

These three admissions leave the deduction that to so travel was and is the exercise of a lawful right or "privilege" and therefore these questions arise:

1. Has Congress the power to define and punish as a crime the acts of one who "aids and assists" another to do a lawful thing?

2. If so, has not Congress put itself in the attitude of superseding its power * * * "to regulate commerce between the States" by defining and punishing as a crime the intention of a citizen who is neither interfering with or attempting to evade any rule of interstate commerce?

3. Conceding the legal right of the prostitute to take the interstate journey, does this or not necessarily imply that any other person has the lawful right to entice, persuade, aid and assist her in taking such journey?

It must be kept in mind that this is not a case of duress, or coercion, or seduction, or inducing innocent girls into lives of shame; it is just simply a matter of aiding or prevailing upon prostitutes to go from one State to another to there engage in their detestable occupation.

Both in the Congressional argument as well as in his judicial opinion the learned Judge below proceeds upon the theory that such women are mere chattels or commodities, deprived of their liberty and practically held in slavery. I do not think this position is justifiable at all under the record in this case. On the contrary these creatures possessed intelligence above the average; they voluntarily left New Orleans and went to Beaumont to make more money as prostitutes; that upon their arrival at the house of prostitution in Beaumont, and before they became its inmates, they were all three apprised of exactly the kind of place it was. Their lives of shame in New Orleans gave them an experience and knowledge no innocent girl could acquire. Hence in dealing with this problem it must be kept in mind that they knew exactly what they were doing and what their rights were. It is unfair and unjust to insinuate they are slaves or commodities without individual volition or will power. In fact, I feel authorized under the record to say they went as deliberately into prostitution as we go to meals or perform any other daily habit, and just as deliberately they continued the immoral practice. Hence all question of sentiment is eliminated from the case, and it comes back to the cold legal proposition:

When they decided to seek a new field on account of earning more money, was this their legal "privilege?" And if so, was this power in Congress to make felons of any other citizens to aid them in the exercise of their "privileges?"

As to Economides I presume the verdict of the jury will be held conclusive on the facts, and therefore state them as established.

Economides was engaged in a very disreputable though lawful business, at the corner of two streets in the business part of the City of New Orleans near the "Reservation." This "Reservation" was a restricted district to which was limited the houses of prostitution publicly run as such. There were many houses of assignation, including "wine rooms," in the vicinity of the Reservation. Economides place of business was a cafe and drinking

saloon on the ground floor, with the "wine rooms" or places for men and women to meet above on the second floor. The three young women, (all sisters born in the chronological order as named) Annette, Florence, and Gertrude Baden (alias Hays) had frequented his place of business, meeting other women, as well as men in his wine room. No respectable or decent women ever knowingly went to his place of business, though strangers sometimes came there through ignorance of its reputation. He was acquainted with the three young women by having often met and talked with them in his place of business. He knew Effie Hoke in the same way and knew she was the keeper of a house of prostitution of some kind in Beaumont, from what she had told him, though he had never been in Beaumont in his life before the Monday morning preceding the beginning of his trial in this case, and had no interest of any kind in Effie Hoke's business. He called the two elder girls into his wine room, Annette and Florence, and there made them acquainted with Effie Hoke, saying as he introduced them to Effie Hoke, "These are the girls I was telling you about. They have a little sister." They took many drinks then and the Hoke woman proposed to them to go to Beaumont. Economides said to them, "You had better go. She has a good private boarding house there, and she will treat you as a mother." He asked where Gertrude was, and upon being told the Hoke woman gave Florence fifty cents for car fare and asked her to go after Gertrude, which she did. Annette testified he told her if she went to Beaumont, and found that she did not like it there, to write him and he would send the money for her and her sisters to come back to New Orleans. He had no conversation with Gertrude and she went to Beaumont through persuasion of her two older sisters. There were other facts testified to which were damaging to this defendant in the minds of the jury, but which do not concern the following question:

Do the above facts destroy his "privilege and immunity" as a citizen of New Orleans, Louisiana, to argue with, persuade, and prevail, upon three other citizens of New

Orleans to go to Beaumont, Texas, he in no other respect rendering any actual aid or assistance?

If so, of course, the Constitutional provision has no effect as a limit upon the powers of Congress.

In the absence of an allegation in the indictment that these women were being carried under duress, or against their wills, or in some other involuntary form, or by some fraudulent device were induced to go, they had these rights:

1. They could have stopped off at any place in Louisiana where the train stopped and have thus broken the interstate feature of the indictment.

2. Even after reaching Beaumont and before going to the place of prostitution they could have purchased transportation and returned to Louisiana, or have gone to some other place than Beaumont.

3. After reaching their destination at Beaumont and before going into the house of prostitution, they could have hired out for domestic service, or changed their occupation into some other than prostitution.

In either of these three events, the criminality of the acts charged in the indictment would have been completely destroyed; yet in so far as this Statute reads the original persuasion by this defendant in starting them or prevailing upon them to start on their journey, or merely in bringing about a meeting between them and the proprietress, Effie Hoke, would render him guilty of a felony, because his intention depending upon agreeing with their intention in prevailing upon them to go was for them to travel to Beaumont and engage in the occupation of prostitution. There is no pretense and no allegation to the effect that he prevailed on them against their wills, or coerced them, or in any way forced them, or fraudulently deluded them to go to Beaumont to ply their chosen occupation as prostitutes; the sole criminal charge is that he persuaded or assisted in persuading them to go knowing their intention.

If it was a crime to thus aid them to voluntarily accomplish their desire in making the journey, then he was guilty under the reading of this Act. If this "aiding" made him a felon under this statute, then the hack-driver who carried them to the station, if he knew their destination and intention when reaching it, was a felon; and all the train crew, if they had such knowledge between Beaumont and New Orleans, were felons; and so with the ticket agent in New Orleans, if he had such knowledge.

Each and all of them becoming felons under this law because they knew the intention of these women, just before they started, or during their journey, was to ply their occupation, an occupation depending entirely upon their wills, in Beaumont. To so hold renders the constitutional provision above cited nugatory and inoperative.

SECOND PROPOSITION UNDER FIRST ASSIGNMENT OF ERROR.

The Act is void in that it conflicts with the reserved police powers of the States individually to regulate or prohibit prostitution or any other immoralities, of their citizens.

AUTHORITIES.

Amendments IX and X.

Keller vs. United States, 213 U. S., 143, same case 53 L. C. Ed., 737.

Fairbank vs. United States, 181 U. S., 283, same case, 45 L. C. Ed., 862.

ARGUMENT OF MR. HAL W. GREER UNDER THE ABOVE PROPOSITION.

In order to exemplify the fundamental doctrine of the "reserved powers" of the States I ask the Court to indulge me in a brief historical summary.

From the very beginning of their rebellion, which they

successfully turned into revolution, the thirteen colonies were intensely jealous of if not hostile towards each other, and they only wanted a general government strong enough to protect them against common foes. They united for self-protection and no other purpose. Every power they yielded in the Articles of Confederation was reluctantly given under the fear that their individual autonomies might be encroached upon, and the very name they gave their national organization, "The United States," was intended to carry the implication that it was a voluntary association, and not a centralized form of government, superior to each individual or "sovereign" State. They were careful in their national constitution to define all the powers they were willing to concede to each co-ordinate branch, lest one or the other, might assume powers they did not intend to grant. Speaking to this historical feature, Mr. Chief Justice Marshall in *Barron vs. Mayor and City Council of Baltimore*, 7 Peters, 243, s. c. 8 L. Co., Op. Ed, 672, says:

"But it is universally understood, it is a part of the history of the day, that the great revolution which established the Constitution of the United States was not effected without immense opposition. Serious fears were extensively entertained that those powers which the patriot statesman who then watched over the interests of our country, deemed essential to union, and to the attainment of those invaluable subjects for which union was sought, might be exercised in a manner dangerous to liberty. In almost every convention by which the Constitution was adopted, amendments to guard against the abuse of power were recommended. These amendments demanded security against apprehended encroachments of the general government—not against those of the local governments.

In compliance with a sentiment thus generally expressed, to quiet the fears thus extensively entertained, amendments were proposed by the required majority in Congress, and adopted by the States. These amendments contain no expression indicating an intention to apply them

to the State Governments. This Court cannot so apply them."

Hence the Amendments IX and X were intended as emphasizing the retention of reserved powers to the States in all cases save those which expressly delegated powers to Congress.

Marbury vs. Madison, (1 Cranch, 137, s. c. Book 2, L. Co., Ed., 60) was the first case in which the Supreme Court of the United States declared:

1. That under the Constitution of the United States the Judiciary not only had the right but it was its duty to declare void any act of Congress where it exceeded the grant of powers conferred by the Constitution, or where such act plainly violated any provision of the Constitution.

2. That a certain act of Congress attempting to confer original jurisdiction in certain cases upon the Supreme Court of the United States, was void, in that it encroached upon and contravened that part of the Constitution which defined the original and appellate jurisdiction of that Court.

The decision was rendered at the February term, 1803, and when it became known by being published in the newspapers and periodicals of the time, it created a storm of discussion that seriously threatened disruption of the Union.

The proposition discussed pro and con in open debate and the public prints by noted men of the time, was:

Could the Judiciary, a co-ordinate branch of the Government, annul and set aside the acts of another, or both the other co-ordinate branches?

For bitterness and vituperation in decent English no question of modern times has reached the intensity of this debate over the above question; and no language we now possess can excel that employed by Mr. Jefferson in denouncing the opinion rendered by Chief Justice Marshall, nor that employed by his supporters in reply, for Mr. Marshall himself took no part in the discussion subsequent to his rendered opinion.

Thus an office which the bar generally treat humorously and often as a joke, and for which the people generally have but small respect; an office all of us look upon almost with contempt, and which is treated as the dernier resort of political ambition, came near causing war and the disruption of this Government almost in its inception—A Justice of the Peace!

Yet the suit over this despised office originated the most fundamental and far reaching doctrine known to the law, the doctrine that courts must set aside legislative enactments whenever they are found in the opinion of the Court to be violative of any express clause of a constitution or whenever they do not come within the grant of power contained in some of its provisions.

Following this case with an unbroken line of decisions by the Supreme Court of the United States, and all subordinate Federal Courts, I briefly summarize the adjudicated doctrine into the following

SUB-PROPOSITION.

The Congress of these United States, as a legislative body, is one of limited powers prescribed by the Constitution, and can pass no valid enactment unless it comes strictly within some one or more of the provisions conferring the power; and that all powers not so expressly granted to Congress, by the Constitution, were reserved to the states individually.

I deem this proposition to be so well settled now as to be axiomatic, and citation of authority becomes unnecessary.

So that when they (the States) granted the power to Congress "to regulate commerce between the States" it was intended as a strict limitation to regulating commerce as such and as the common understanding would interpret it, and they did not intend that it should ever be extended by implication into interfering with, regulating or aiding the reserved police powers. It is no argument to say the States individually could not forbid an interstate jour-

ney to prostitutes, or to those aiding or assisting in such journey, for the simple reason that each State has the power absolutely to suppress prostitution within its borders, even to the radical extent of making it a capital felony; and to say the State had no such power to prohibit such interstate carriage of prostitutes is but a further exposure of the object of the bill to interfere with the police power of the States to regulate the morals of their citizens. Chief Justice Fuller speaking for the Court in *U. S. vs. Knight Co.*, 156 U. S. 12, 39 L. C. Ed. 329, says:

"That which belongs to commerce is within the jurisdiction of the United States, but that which does not belong to commerce is within the jurisdiction of the police powers of the State."

THIRD PROPOSITION UNDER FIRST ASSIGNMENT OF ERROR.

The act is unconstitutional in that it does not come within the terms of Art. I, Sec. 8, sub-division 2, relating to the power to regulate commerce among the States, or any other grant of power in this: that while the carrying of passengers interstate comes within "the power to regulate commerce," the motive or intent of the passenger either before beginning the journey, or during, or after completing it, is not a matter of interstate commerce.

STATEMENT.

Whatever the defendant, Economides, did was before the journey began, before it had been contracted for, before there was any fact of interstate carriage. He rendered no actual aid or assistance of any kind and though he argued, persuaded, and enticed the females to go, he promised them if they were not satisfied and wished to return to New Orleans he would send them the money for their actual passage. He did not go to the train with them, nor take the journey with them, nor see them at the end of their journey. He had no interest in his co-defendant's business in Beaumont, and testified that the

first time he was ever in Beaumont was the Monday morning preceding his being put upon trial in this case.

AUTHORITIES.

Keller vs. United States, 213 U. S., 143, s. c. 53 L. C. Ed., 737.

Lottery Case 188 U. S. 32, s. c. 47 L. C. Ed., 492.

The Popper Case, 98 Fed. Rep., 423.

Fairbank vs. United States, 181 U. S., 283, s. c. 45 L. C. Ed., 862.

ARGUMENT OF MR. HAL W. GREER UNDER ABOVE PROPOSITION.

It has been held in an unbroken line of decisions, reaching back to the very beginning of our government, that Congress can pass no law which is not sanctioned by the Constitution of the United States, hence the present law must depend for its validity upon that clause of the Constitution (Art. I, Sec. 8, sub-division 2) which reads as follows:

“To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.”

True the carrying of passengers from one State into another is interstate commerce, and Congress can regulate the carriers and prescribe the rules for their guidance in such business; but it cannot regulate the passengers indulging in such travel further than to make them comply with the rules and law regulating their passage—they may come and go as they please. The act of the carrier in taking the price of the ticket, entering into the contract of carriage with the passenger, is interstate commerce; but what the passenger does, whether he eats three meals en route or only one, whether he sits in one place all the time, or reads and writes, or what he intends doing (unless committing some overt act of treason against the Government or some State) either before beginning the journey or whilst en route, or after he reaches his destination, are not matters of interstate commerce which the

Government can regulate. Whether the carriers shall take some free of cost and make others pay full fare, are acts of interstate commerce which Congress may inquire into and regulate; but as to who (or what number) intends to indulge in sexual vice, especially after reaching his destination, certainly does not come within the definition of "regulating commerce * * * among the several States * * * etc."

In *United States vs. Westman*, 182 Fed. Rep., 1017, (the case of "first impression" under this statute), the learned judge does not properly observe the distinction between the right of Congress in regulating the carriage of passengers interstate, and the acts and motives of the passengers themselves and as citizens. And the opinion of the learned Judge who tried this case, as well as his argument in advocacy of the bill when he was a member of Congress, fails to note the distinction. If Congress were to pass an act prohibiting aid, etc., to any man going over a common carrier, or walking for that matter, into another State for the purpose of opening a gambling house where the immigrant State by its laws prohibited gambling, or into a State to open a drinking saloon where the laws of the State prohibited the sale of intoxicating liquors, or into a State for the purpose of teaching profanity (vide Maryland) where its laws forbid and make a crime of all forms of profanity the reasoning of the learned Judges in these cases would apply with just as much force as to the ones they were discussing.

To illustrate: Suppose these women had been denied transportation by all public carriers from New Orleans to Beaumont, and they decided to walk, and appealed to the defendant to lend them sufficient funds to pay for their necessities as they journeyed? Would there, in any sense be a case calling for "regulating commerce * * * among the several States?" I think not; yet the defendant, knowing their intention to engage in prostitution upon their arrival in Beaumont, would be guilty of felony under this "White Slave Act."

To illustrate still further the consequences of such enactments by Congress: I call attention to the fact that

many cities in the United States are placed ⁱⁿ juxtaposition with only a stream between them as New York and Jersey City, and Cincinnati and Covington; and indeed many are so placed with only the line run by a surveyor on the ground to mark their position in two States, as Kansas City, Missouri, and Kansas City, Kansas, and the two Texarkanas, etc. Suppose a man pays the ferriage of a woman accompanying him from New York to Jersey City, to go to a house of prostitution, and they both there engage in the act itself; or such a man pays the bridge toll over the Ohio River between Cincinnati and Covington with like intent and actual result, and the facts are duly proven; or if two women go together on such mission and one pays the ferriage or bridge toll of the other, and both go into the house of prostitution—all by appointment. Under this act each individual so paying the passage or toll for the other would be guilty of a felony. Or if as between the two Kansas Cities, or the two Texarkanas, the one aids the other by taking her arm (supposing her to be blind or crippled) to cross the street from one State to another. This would be a felony under this act on the part of the one so aiding the other. In each instance there has been interstate travel, whether by conveyance or on foot, with the intent for the women to ply their trade of prostitution, yet I cannot conceive of either act of fact as coming within the power of Congress to regulate commerce between the two states.

In fact when a crime is sought to be made out of the act of another which depends solely upon the will or mental volition of still another in the exercise of a lawful right, a very grave question of mental as well as moral philosophy arises; it seems to me these individual idiosyncrasies involving no right of government function as a nation, are too wide spread and too broad in scope for the National Legislature to encroach upon; and that they belong essentially either to the police powers reserved to the States, or to the municipalities under their control. In fact, speaking from the national point of view, prostitution is not a crime under the laws of the United States except in certain territories exclusively within the na-

tional jurisdiction. In other words, prostitution in Texas or any other State is not a crime against the laws of the United States. Why?

Because the regulation of morals within a State comes strictly within the police powers of that State, and is strictly enjoined against Congressional action under the Constitution in attempting to interfere with or enact national laws regulating such police powers within a State. Now can Congress indirectly pass and enforce an act regulating or aiding the police powers of a State in some special respects where the organic law forbids that it shall do so directly? I think not; that this is dangerously trenching upon the reserved powers of the States. Thus the plain purpose and object of this Act is to interfere with or limit or partially prevent, and make a crime of prostitution and to forbid the aiding or assisting in the practice of prostitution; and the resort to the interstate power of Congress is but a specious device and subterfuge to conceal the real purpose of the law, which thus encroaches upon the police powers of the States.

For the clearest dissertation upon the limitations of Constitutional power, I refer the Court to *Fairbank vs. United States*, 181 U. S., 283, 45 L. Ed., 862. In the *Fairbank* case Mr. Justice Brewer speaking for the Court, says: It would be a strange rule of construction that language granting powers is to be liberally construed, and that language of restriction is to be narrowly and technically construed," and again in the course of the same opinion he says: "In other words that decision" (referring to *Woodruff vs. Parham*, 8 Wall., 123, 19 L. Ed., 382) "affirms the great principle that what cannot be done directly because of constitutional restriction cannot be accomplished indirectly by legislation which accomplishes the same result."

Congress may have power (and even this admits of grave doubt) to forbid any interstate passenger on a railway train or other common carrier from practicing prostitution, adultery, and the like, and making such acts a crime whilst on the journey; but neither before the be-

ginning of the journey in one State, or after its ending in another, can Congress under the interstate commerce clause of the Constitution make a crime of prostitution in any State, because under such facts no act of interstate commerce is involved.

Speaking to a case bearing close analogy under the "alien" act forbidding the immigration of women for the purposes of prostitution, etc., Mr. Justice Brewer in the case of *Keller vs. United States*, 53 L. C. Ed., page 737, (213 U. S., 143), says:

"While the keeping of a house of ill-fame is offensive to the moral sense, yet that fact must not close the eye to the question whether the power to punish therefor is delegated to Congress or is reserved to the State. Jurisdiction over such an offense comes within the accepted definition of the police power. Speaking generally, that power is reserved to the States, for there is in the Constitution no grant thereof to Congress." * * *

"Although Congress has not largely entered into this field of legislation, it may do so, if it has the power. Then we should be brought face to face with such a change in internal conditions of this country as was never dreamed of by the farmers of the constitution. While the acts of Congress are to be liberally construed in order to enable it to carry into effect the powers conferred, it is equally true that the prohibitions and limitations upon those powers should be fairly and reasonably enforced. *Fairbank vs. United States*, 181, U. S., 283, 45 L. Ed., 862, 21 Sup. Ct. Rep., 648. To exaggerate in the one direction and restrict in the other will tend to substitute one consolidated government for the present Federal system. We should never forget the declaration in *Texas vs. White*, 7 Wall., 700, 725, 19 L. Ed., 227, 237, that 'the Constitution, in all its provisions, looks to an indestructible Union composed of indestructible States.' "

The *Lottery case* (188 U. S., 32) s. c. 47 L. Ed., page 492, is based upon an entirely distinct and different proposition from the case at bar in this: the bringing, by any method, of a lottery ticket, etc., into the United

States or the carrying of the same by mail, or any other mode of conveyance from one State to another, was and is made a crime against the United States Government as such, regardless of whether any individual State defined it as a crime or not. Therefore the defendant was indicted for committing a crime, denounced and defined as such against the General Government. So in the Popper Case, 98 Fed. Rep., 423, it was made a crime to deposit the commodity with the Express Co. for interstate carriage.

Whereas prostitution is not a crime against the Government as such except in territories exclusively under Congressional control, but of the States individually. And again the carrying of this lottery ticket denounced as a crime, was essentially the carrying of a commodity, an inanimate object without will or volition and depending upon its use or its movements on the controlling power of mankind.

But as was said by the Judge of the lower Court, as a member of Congress, when advocating the passage of the Act: "This law does not pretend to define or denounce prostitution as a crime; it does not forbid prostitutes as such from traveling interstate; it simply forbids any person to aid them to travel interstate with the object or intention on the part of the person aiding them that they shall be prostitutes or practice prostitution or debauchery, etc." Thereby clearly demonstrating that the Act intends to make a crime out of the motive or intention of still another to do a certain thing.

In every offense save this one a conviction for crime must depend upon the intent to commit the crime; but here the intention is the crime where no real crime may in fact be committed.

In all other cases the shipment of the forbidden commodity interstate, as well as its receipt, constitutes the crime; but here though the aid of the passenger may be lawful, yet if the person giving it intends the recipient shall do an immoral thing at the end of her journey, whether

she does it or not, makes the person rendering the aid a felon.

It should be borne in mind this decision (Lottery Case) was rendered by a bare majority of the Supreme Court, four judges, speaking through Chief Justice Fuller, dissenting.

This may be all summarized in one general proposition: Where both the right to carriage and the fact of carriage are lawful within themselves, there is nothing of "commerce between the States" which Congress can prohibit in aid of such lawful right.

Has Congress the granted Constitutional power to make prostitution a crime within the limits of any State?

I say no; and the Supreme Court of the United States speaking through Justice Brewer say no.

Has Congress the constitutional grant of power to forbid "the transportation in interstate commerce * * * of any woman or girl * * * for any other immoral purpose?"

If so, can it not with equal propriety forbid the interstate transportation of any man or boy "for any other immoral purpose?"

To both questions, I answer no; that when such transportation is from one State to another, the question of morality or immorality is for the police powers of each State to define.

Surely it will not be seriously contended that the power to regulate interstate commerce confers upon Congress the power to regulate the morality "or any other immorality" (a phrase broad enough to reach drinking, gambling, exposure of person, fighting, lying, profanity—in fact any "frailty which the flesh is heir to") of citizens individually.

If so there is no such thing reserved to the States per se as "police powers," for any "other immorality" is broad enough to cover every crime defined in the crim-

inal codes and codes of criminal procedure in every State in the Union. Nay, more, "any other immortality" is broad enough to cover opinions and religious convictions; for citizens of a State where protestantism is strongly in the majority might consider it highly immoral to transport a girl into a catholic convent or school in another State—even Congress might consider this immoral and expressly enact against it under its power to regulate interstate commerce. *Reductio ad absurdum!*

The Catholic church and one Protestant—the Episcopal—consider it highly immoral for divorced people to marry again. Now suppose the judge of the United States Court and the District Attorney and the Grand Jurors, by coincidence, all happened to be members of one or the other of the above denominations—then suppose a divorced woman, in all other respects a good citizen, asks me, or any other citizen, to aid or assist her to get from Texas to Louisiana for the purpose on her part of marrying a good man there, both she and her intended husband being friends of mine, and I comply with her request. Would I or not before a court so organized be subject to indictment for aiding and assisting her to travel interstate "for an immoral purpose"?

This feature of this argument is only tentatively offered to show what is moral or not, is largely a matter of opinion which Congress cannot interfere with without encroaching on the reserved police powers of the States; and that it is the part of wisdom, as well as constitutional guaranty, to leave these matters within the discretion of the States individually.

Many, perhaps the majority of men, do not consider it immoral for those of masculine gender to visit houses of prostitution and indulge in sexual cohabitation with the female inmates thereof, whilst all agree it is the very depths of degradation for the females. Speaking individually, I think it is just as immoral for the male as for the female to indulge in this sexual vice. Yet this is essentially a matter of opinion. Some people believe in free love, but to me that is a fearfully immoral doctrine, destructive to my pre-judged opinion of what a family

should be. My belief is that every man should be as virtuous as his wife, and that the perpetuity of a vigorous race depends upon lawful marriage. Yet this is only my opinion, for much can be said to justify the opposite view. Indeed I doubt if one man in a hundred thousand would agree with me that the man should be sexually as pure as the woman he married yet they will all concede that as an abstract moral question I am right.

For all these reasons I am persuaded the sexual relation in all respects is not and never can be a matter of interstate commerce and ought to be left to the police powers of the States.

Reducing the whole subject to a legal proposition it is this:

Where both the right to interstate carriage and the fact of carriage are lawful within themselves, there is nothing of "commerce between the States" which Congress can prohibit.

I respectfully submit the act is unconstitutional.

As we understand it, the rule of decision in this Court is this:

Where the constitutionality of an enactment is fairly and sincerely raised, writ of error lies direct to this Court upon the entire case, and if the Court should overrule the contention that an act is unconstitutional, yet it takes cognizance of the entire case on its merits.

We, therefore, offer the following:

BRIEF OF ECONOMIDES ON THE MERITS.

As the Second and Third Assignments of Error contain the same proposition of law, we group their substance as follows:

SECOND AND THIRD ASSIGNMENTS.

Substance of second assignment being demurrers to indictment:

1. Because the matters and things set out and charged against them in each and every count thereof, do not constitute an offense against the laws of the United States.

2. Because the matters and things in each and every count of said indictment against them, as charged and set out, do not constitute an offense cognizable in this Honorable Court, in that said matters and things do not come within its powers and jurisdiction.

Substance of third assignment being upon motion to instruct a verdict of acquittal:

1. Because under the so-called White Slave Act of June 5th, 1911, no offense against the law is charged in that the act does not define the words "prostitution," "debauchery," or "or other immoral purpose," which constitute the gravamen of the alleged criminal acts, in that the word "prostitution" is broad enough to cover every act of lewdness or sexual dissoluteness on the part of either men or women, and the word "debauchery" is equally as broad in its significance, whereas the words "or other immoral purpose" are broad enough to embrace any transgression of law, moral, divine or statutory, and thereby and therein the indictments in these cases are insufficient for the court to predicate its charge to the jury upon, or to impart to these defendants notice of any specific act of prostitution, debauchery, or other immoral purpose they are charged with the intention of having the alleged females to commit.

4. Because the title of the Act, in being named "The White Slave Act" is misleading, and tends to entrap citizens into a misapprehension of its terms, in this: (1) Because prostitution, debauchery, or other immoral purpose within themselves do not constitute any act or fact of slavery; (2) Because the act in its terms is broad enough to embrace all women of all races, and therein

and thereby tends to inflame and create prejudice against the defendants, when applied to the facts in this case.

5. Because sexual vice or immorality, in every instance, is a matter of individual volition, and does not within itself, constitute an act of slavery.

6. Because the act not undertaking by either its express or implied terms, to punish a prostitute, or one intending to engage in prostitution, for traveling interstate, it cannot punish one for aiding or assisting another to do that which is not unlawful for such other person to do.

7. Because the actual fact of the interstate journey is not a crime within itself, nor do any of its facts embrace the prohibition against another that would come within any rule of interstate carriage in aiding or assisting one so traveling interstate.

8. Because the so-called White Slave Act does not forbid any women or girl to travel from one State to another for the purpose of engaging in prostitution, or other immoral purpose, at the end of her journey, therefore, under the Constitution of the United States Congress has no power to make a crime of one aiding or assisting or persuading her to take such lawful journey.

9. Because it cannot be made a crime for one to assist another to do that which such other has the lawful right to do.

FIRST PROPOSITION UNDER THE FOREGOING GROUP.

Even though the Act may be held constitutional, still the indictment and proof thereunder are insufficient to sustain a conviction of Economides in this:

The Act does not define the words "prostitution," "debauchery," or "or other immoral purpose," and the indictment failing to define these words, and the Court failing to define them in its charge left the jury free to interpret them as they saw fit, and therein to hold Economides

guilty, where the proof showed he rendered no actual aid or assistance in the interstate journey of the prostitutes; was not interested in and knew nothing of what they did at the end of their journey; and was in no sense a party to their "prostitution," "debauchery," or "or other immorality" in Beaumont, Texas.

STATEMENT:

The witness, Annette Baden, alias Hays, as to Economides, testified: (Record, 18-25.)

Q. State your name to the jury. A. Annette Baden.
Q. Do you go by any other name? A. Yessir. Q. What is that? A. Hays. Q. Do you know Basile Economides? A. Yes, sir. Q. Point him out to the jury? A. (Points to the defendant Economides). Q. The man with the mustache back there? A. Yes, sir. Q. Do you know Effie Hoke? A. Yes, sir. Q. How long had you known Economides before you went to the country? A. About four or six months. Q. What business was he in? A. The saloon business. Q. Where was his saloon? A. On Burgundy and Iberville. Q. In what place? A. In New Orleans. Q. Did he have just an ordinary saloon, where you would go to get a drink; what sort of saloon did he run? A. A saloon and private dining room for ladies to drink. Q. Is that what is known as a wine room? A. Yes, sir; a wine room. Q. You say you had known him four to six months before you went to the country? A. Yes, sir. Q. Do you know Effie Hoke? A. Yes, sir. Q. Point her out to the jury. A. (Points out the defendant, Effie Hoke). Q. When did you first meet her? A. Monday afternoon, when I came from the country. Q. After you came back from the country on Sunday? A. Yes, sir. Q. Where did you meet her? A. At Mr. Economides' Cafe. Q. How did you happen to be at the cafe? A. We were passing there, and he called us. Q. Who were passing there? A. My sister Florence and I. Q. Is she older or younger than you? A. Younger. Q. How old are you? A. Twenty. Q. You were passing Economides' saloon? A. Yes, sir; and Mr. Economides called us. He

called us, and we started on. My sister was on her way to work at the picture show. Q. Where were you going? A. Home. A little boy came after us and says: "Mr. Economides says you-all come back." My sister says: "I have to go to work at the picture show." So I went back to the saloon to the corner, and he was standing in front of his saloon, and my sister went on to work, and I went back to him and was talking to him and Mr. Economides says: "Go on and get Florence." Q. You went back with the little boy to Economides' place? A. Yes, sir. Q. What was said when you got back? A. He said: "Where is Florence?" Q. Who said that? A. Mr. Economides. And he said: "Where have you been all this time?" And I told him: "I have been to the country." And he says: "I have been looking for you." Q. What else did Mr. Economides say? A. He told the little boy to go back and get Florence. Q. Did the boy leave? A. Yes, sir; and Florence was near the corner. Q. Where did you and Economides go then? A. I went upstairs with Mr. Economides. Q. Was that over his saloon? A. Yes, sir. Q. What kind of room was it you went into over the saloon? A. A private wine room. Q. Connected with his saloon? A. Yes, sir. Q. All right; go ahead and tell the jury what he said after you got up there. A. We had a drink, Mr. Economides and I, and by that time Florence came in, and we had another drink and Mr. Economides says: "I have a lady friend I want you to meet," and he says, "Do you want to meet her?" and we said "yes," and he said he had 'phoned for the friend he wanted us to meet, and so in about twenty minutes afterwards Miss Effie came in. Q. Effie who? A. Hoke. Q. The defendant here? A. Yes, sir. We all drank together. Q. You, Florence and Mr. Economides? A. Yes, sir. Q. You continued having drinks together? A. Yes, sir; and after twenty minutes afterwards, while we were drinking, Miss Pauline came in. Q. How long was it after you went up in the wine room until Effie Hoke came? A. Twenty minutes. Q. What was said by Economides or by Effie Hoke, if anything? A. When she came in he said: "Here is the lady from Beaumont I want you to meet." He says: "Miss Effie, these are the

girls I have been telling you about," and she said, "Let's have a drink," and we all had a drink together and by that time Mr. Economides says, "You have another sister, Gertrude go get her." He says, "She is younger than these two; go get her." I says, "No, I don't want my little sister along don't go get her." Miss Effie says, "Yes, here is fifty cents, go get Gertrude." She said that to Florence, and she went and got Gertrude. Q. Was there anything else said, anything about your leaving New Orleans? A. After we had some drinks and all she said she had a private house in Beaumont. Q. Tell what Economides said, and what Effie Hoke said. A. She said she had a private boarding house in Beaumont, and there was no reason for working for five dollars a week when salesladies could get fifteen dollars a week in Beaumont. We were intoxicated, and we said we did not care, we would go along, and in about twenty minutes afterwards Gertrude came in and we had a drink, and she told all about going to Beaumont. Q. Did Economides say anything about going to Beaumont. A. He said his lady friend would treat us nice that she had a private boarding house, and that we would be well taken care of—just like a mother. Q. Anything else? A. We continued taking drinks, and ordered drink after drink, and sister Florence started to go to the theater, and they said "No, stay here," and Economides said we were pikers and to take more drinks. Florence said, "I have to go to the theater. I am not dressed to think of being out; let me go to the theater." He said, "Oh, don't be a piker; have a drink," Economides said that. Q. He said, "Don't be a piker, have some more drinks?" A. Yes, sir. Q. Florence left, I believe you said, to go get the other sister? A. Yes, sir; in about twenty minutes she was back with her, and we had more drinks with Gertrude, and when we left there Mr. Economides 'phoned for a taxicab, after we decided we would go, and we went from there to Miss Pauline's. We went to her house in the taxicab, and there we had two drinks, and then we went to the depot. Q. Was anything said by Effie Hoke to Economides there at the saalon about money matters? A. No, sir. Q. About owing some money? A. Mr. Econ-

omides said, "Tell Effie Hoke you owe \$12.00 to your landlady on St. Charles Street." "I told him I didn't owe anything. Q. Did he tell you why you must tell her that? A. He said: "When you get in Beaumont you don't know what time you will want to come back, and I will send you the \$12.00 and you can come back." I told him I did not owe my landlady anything, and he says, "I will tell her you owe \$6.00," and when she came back to Beaumont she told me I owed \$6.00 to Economides for a board bill, and I told her I didn't owe anything. Q. You say that after your sister Gertrude got there you all decided to come to Beaumont? A. Yes, sir; after we had a couple more drinks. Q. Florence and Gertrude are both your sisters? A. Yes, sir. Q. How old is Florence? A. Nineteen the 18th of this month. Q. How old is Gertrude? A. Seventeen last December. Q. Where did you go from Economides' saloon? A. Mr. Economides 'phoned for a taxicab, and we went to Miss Pauline's. Q. Who paid for the taxicab? A. Miss Effie did. Q. Was there anything said by Economides as to who was to pay? A. He told them they would settle down at the house. Q. Whose house? A. Miss Pauline's. Q. Who is Miss Pauline? A. She is a landlady on St. Charles Street. Q. The keeper of an assignation house? A. Yes, sir. Q. In the conversation between yourself and Economides and Effie Hoke, did Economides say anything in reference to if you were not satisfied in Beaumont? A. Yes, sir; he said if we were not satisfied to write to him and he would send us the money to come back. Q. That if you got to Beaumont nad were not satisfied to write him and he would send you the fare back to New Orleans? A. Yes, sir.

Questioned by Mr. Greer:

Q. I want to see if I understood you correctly. You stated that on the morning of your arrival at Beaumont, when you got to this house you were there informed or discovered the character of the house? A. Yes, sir. Q. Is that correct? A. Yes, sir. Q. At that time did you and your sisters talk it over as to the character of the house? A. Yes, sir. Q. So all three of you knew it at

that time? A. Yes, sir; we all three wanted to leave.

On page 27 she testified: Q. You reached Beaumont at what time? A. Quarter to eight the next morning. Q. Where did you go after you got here? A. We taken a taxicab and went to Effie Hoke's. Q. Where was Effie Hoke's? A. Down on Bonham Street. Q. On Bonham Street? A. Yes, sir. Q. What kind of house was that? A. It was a rough house. Q. What kind of house? A. A rough house. Q. By what you mean a sporting house? A. Yes, sir. Q. Was it a house of prostitution? A. Yes, sir. Q. Who was there when you got there? A. Two girls taking care of the house. Q. What were their names? A. Lucille Camp and Ouida Landry. Q. When you left New Orleans, did you understand you were going to a house of prostitution? A. No, sir. Q. When was the first time you discovered that you were in a house of prostitution? A. As soon as I got there. Q. Who told you that? A. Ouida Landry. Q. When did you next see the defendant, Effie Hoke, after you left New Orleans? A. The following morning; the next morning after we got here.

Florence Baden, alias Hays, testified substantially the same as the foregoing testimony of Annette Hays. (Record, page 79 to page 131.)

The witness, Gertrude Baden, alias Hays, testified to her age being seventeen, and to her sister Florence having come for her, and her going to Economides' place of business, and there meeting Effie Hoke. Practically all she testified against Economides is contained in the record 133, as follows:

Q. Now, Miss Gertrude, go ahead and tell all you can remember, what was said by Mr. Economides and by Effie Hoke in reference to getting ready to come to Beaumont? A. He said more to my other sisters than to me. He said they were coming to Beaumont; he didn't tell me anything about it, and later on he said "You are going over to see this lady; she has a private boarding house," but he never said what it was for. He said to Miss Effie, "Here is the other girl I was telling you about." He

said, "This is the other little girl I was talking to you about," and they said, "Let's have a drink," and we had a drink. Q. Then what else was said? A. That is all I remember. Q. That is all you remember? A. Yes, sir.

The defendant, Basile Economides, after testifying to his name, nationality, place of residence, place of business, the character of his business, etc., testified to his acquaintance with the three Baden sisters, and that he had known them about six months or more. That they frequented his place of business at all hours of the night and day. He then categorically denied all that they had testified as hereinbefore set forth. He also testified that he had no interest in the business of Effie Hoke and had never been in Beaumont preceding the Monday morning just prior to the beginning of his trial. Record, pages 260-285.)

There was no other testimony showing any aid or actual assistance of any kind rendered by Economides in getting the young women any tickets or other means of transportation nor was there anything to show that he advanced any money or did more or said more than was set forth above.

Upon this subject the Court charged as follows:

The Court further tells you that if you find that the defendant, Basile Economides, did no more than introduce the girls, Annette, Florence and Gertrude, to the defendant, Effie Hoke, he would not be guilty under either of the counts in the bill of indictment. But, on the other hand, if you find from the evidence beyond a reasonable doubt that the defendant, Basile Economides, knew the unlawful purpose of the defendant, Effie Hoke, to induce, entice or persuade these girls or either of them to make the interstate journey for the purpose of prostitution and if you believe beyond a reasonable doubt that he introduced the girls to Effie Hoke in order to afford her an opportunity to persuade, induce or entice them to make the interstate journey, for the purpose of prostitution, and knowing that the defendant, Effie Hoke,

intended to so persuade, induce or entice them, then he would be guilty as a principal offender in the crime charged.

“In this connection, the Court further tells you that if you believe from the evidence that the girls came to Beaumont because of their own will and desire to do so, and not on account of being persuaded, induced or enticed to come, then, in such case, neither of the defendants would be guilty under any of the counts in the bill of indictment. But the Court tells you, in this connection, that it was not necessary that they should have been forced or coerced to come in order to render the defendants guilty under this bill of indictment. If their consent to come was secured by the defendants either persuading, inducing or enticing them to come, that would be sufficient under the law, even though they may have thereafter willingly come. It is for the jury to determine from all the facts whether the three girls named in the bill of indictment came from New Orleans to Beaumont of their own free will, and in obedience to their own wishes, or whether they were persuaded, induced or enticed to come by the defendants. If they came of their own free will and accord, without being persuaded, induced or enticed to come, then neither of the defendants would be guilty. But, though they came voluntarily, if their volition was obtained by the persuasion, inducement or enticement described in the bill of indictment, then the defendants would be guilty.

“I also tell you, gentlemen of the jury, that if the jury find from the evidence beyond a reasonable doubt that the defendants persuaded, induced or enticed the three girls mentioned in the bill of indictment to come from New Orleans, Louisiana, to Beaumont, Texas, for the purpose of prostitution, then it is absolutely immaterial whether they were prostitutes before they began the journey or not. It is just as much a violation of the law I have read you to persuade, induce or entice a prostitute to make an interstate journey for the purpose of prostitution at the end of the journey as it would be to persuade, induce or entice a woman of virtuous habits

to make such journey for the purpose of prostitution. The law does not make any distinction between the two. It is the persuasion, inducement or enticement for the purpose of prostitution that constitutes the offense, and the character of the woman so persuaded, induced or enticed is an immaterial consideration, except you may consider the character of the girls named in the bill of indictment for the purpose of enabling you to pass upon their credulity and the weight to be given to their testimony, and for the purpose of enabling the jury to determine the question of whether they came of their own accord or were persuaded, induced or enticed to come.

And if you further find beyond a reasonable doubt that the defendant, Basile Economides, in the City of New Orleans in the State of Louisiana, on the said 14th day of November, 1910, did knowingly aid and assist the said Effie Hoke to persuade, induce and entice the said Annette Baden, alias Annette Hays, to come in interstate commerce from the City of New Orleans, in the State of Louisiana, to the City of Beaumont, in the State of Texas, for the purpose of prostitution, and with the intent upon the part of him, the said Basile Economides, that the said Anette Baden, alias Anette Hays, should engage in the practice of prostitution in the City of Beaumont, then in that event you will also find the defendant, Basile Economides, guilty under count number one of this indictment.

And if you further find beyond a reasonable doubt that the defendant, Basile Economides, in the City of New Orleans, in the State of Louisiana, on the said 14th day of November, 1911, did knowingly aid and assist the said Effie Hoke to persuade, induce and entice the said Florence Baden, alias Florence Hays, to come in interstate commerce from said City of New Orleans, in the State of Louisiana, to the City of Beaumont, in the State of Texas, for the purpose of prostitution, and with the intent upon the part of him, the said Basile Economides, that the said Florence Baden, alias Florence Hays, should engage in the practice of prostitution in the City of Beaumont, then in that event you will also find the defendant, Basile

Economides, guilty under count No. 2 of this indictment.

And if you further find beyond a reasonable doubt that the defendant, Basile Economides, in the City of New Orleans and State of Louisiana, on the date alleged in the bill of indictment, did knowingly aid and assist the said Effie Hoke to so persuade, induce and entice the said Gertrude Baden, alias Gertrude Hays, to come in interstate commerce from the City of New Orleans, in the State of Louisiana, to the City of Beaumont, in the State of Texas, for the purpose of prostitution, and with the intent then and there upon the part of him, the said Basile Encomides, that the said Gertrude Baden, alias Hays, should engage in the practice of prostitution in the City of Beaumont, then you will find the defendant, Basile Economides, guilty under the third count in this bill of indictment.

EXCEPTIONS TO CHARGE.

Mr. Greer: We except to the charge, first, it omits to charge that persuasion, etc., must be connected with and followed by actual rendition of aid and assistance. Second: It omits to define the difference between mere persuasion and advice as to the females. Third: It omits definitions of prostitution, debauchery and other immoralities, leaving the jury to infer that prostitution as such is necessarily limited to houses of prostitution, whereas prostitution includes all acts of lewdness upon the part of a female. Fourth: It omits to instruct a verdict of not guilty in favor of the defendant Economides, there being no evidence that he rendered actual aid and assistance towards the interstate journey of the females. Fifth: Because it omits to instruct a verdict of not guilty on the ground that the law under which the indictment was drawn is unconstitutional and void. Sixth: Because as to the female Gertrude Hays, the Court omits to charge the jury in express terms that the proof shows that the defendant Economides did not in any way persuade or assist in getting her to come to Beaumont

for any purpose whatever. Seventh: Because it omits to charge that after arriving at the house of Effie Hoke in Beaumont and before becoming inmates thereof, they were informed and told the kind of house it was, and they could have withdrawn and not entered said house, and thereby destroying the incriminating facts as charged under the law, and showing no offense committed against the law.

We except to that part of the charge which states to the jury that the law is constitutional.

We except to the charge because it fails to state to the jury that when there has been persuasion or inducement it must be accompanied by an actual rendition of assistance in travel.

AUTHORITIES:

ARGUMENT OF MR. HAL W. GREER UNDER FOREGOING ASSIGNMENT, PROPOSITION AND STATEMENT:

My contention is, that if the Act is constitutional, it was never intended to make mere argument, persuasion, or enticement, unaccompanied with actual aid and assistance, a criminal offense, for the conjunction "and" used in connection with the other phraseology shows this purpose. I beg to quote section 3 in full, using italics for that part of the Act which I consider shows the necessity for the actual aid of assistance:

"That any person who shall knowingly persuade, induce, entice, or coerce, or cause to be persuaded, induced, enticed, or coerced, or aid or assist in persuading, inducing, enticing or coercing any woman or girl to go from one place to another in interstate or foreign commerce, or in any territory or the District of Columbia, for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose on the part of such person that such woman or girl shall engage in the practice of prostitution or debauchery, or any other immoral practice, whether with or without her consent, and who shall thereby knowingly cause or aid or assist in causing such woman or girl to go and be carried or transported as a passenger upon the line or route of any common carrier or carriers in interstate or foreign commerce, or any Territory or the District of Columbia, shall be guilty of a felony."

In order to test this theory the question arises: Was it necessary that these young women should have actually begun and completed their journey in order to convict Economides? If not, then the mere conversational effort to "persuade, induce, entice, or coerce" them to travel interstate for the immoral purpose constitutes the crime—an anomaly unknown as to any other crime and which would certainly offer limitless opportunity for blackmail to such women. The courtesan has been the same conscienceless, shameless and dissolute creature in all ages since the dawn of history, ready for perjury or any villainy that would bring the gold. Even Shakespeare puts in the mouth of one of his Court Fools the remark, "He is mad who trusts a whore's oath." If such mere conversational effort is construed to be a crime under this Act, such women will be quick to utilize it to their advantage by swearing to such conversations at all times and upon all occasions where they would be slightly corroborated. There would be an endless train of these prosecutions.

I cannot believe such a construction is tenable, and that the Court will find as a matter of law that there must be some actual, overt, tangible act of assistance in

the taking of the journey, such as lending them money for their passage, or the purchasing of the tickets for them, and the like.

If this deduction is correct, then the evidence shows indubitably that Economides did nothing in the way of actual aid. He never left his place of business; he did not pay out a cent; there is nothing to show that he even knew these creatures had taken the interstate journey until he was arrested under this indictment. All his acts were purely conversational in his own place of business. Say he did prevail upon them to enter his wine room and there meet his co-defendant; say he did argue with them in their own vernacular, and use every persuasive phrase he could bring to bear upon them; say he did promise if they were dissatisfied to send them money for their return; still there was no actual overt act of aid in any sense of the word that brought him within the operation of interstate commerce.

The Court, as shown from the preceding excerpts from the charge, told the jury it was not necessary for the Government to show he rendered any actual aid, and that feature was not only excepted to, but was emphatically called to the Court's attention, both in the motion to instruct a verdict of acquittal, as well as by requested special charge. (See Bill of Exception No. 17, Record 395 to 396), which the Court refused.

On this feature of the case I respectfully submit it should be reversed and remanded.

Hal W. Greer

Of Counsel for Economides.

Greer & Hall &
J. H. Dowers &
Chandler C. Lutzberg
Attys for said ptg in error.